

SECTION 2.0

COMMENT LETTERS

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COMMENT LETTERS

2.1 COMMENTS ON DRAFT EIS

This section provides all of the comments received by the U.S. Department of the Interior Bureau of Indian Affairs (BIA) on the Draft Environmental Impact Statement/Tribal Project Environmental Document (EIS). The comments presented herein were submitted to the lead agency by way of letter, email, written comment cards, and verbally at the public hearing held for the Draft EIS. All received comments are indexed in **Table 2-1** and presented in their entirety in this section. Comments are organized into five categories: those submitted in writing by public agencies and other governmental entities (A); those submitted in writing by organizations or businesses (O); those submitted in writing by individual private citizens including comment cards received at the January 29, 2016, public hearing (I); those submitted by collective organizations such as Change.org, (CO); and those given orally during the public hearing as recorded on the official public hearing transcript (PH). Once submissions are categorized, each is assigned a unique number and then further demarcated into specific substantive comments, which are then numbered (e.g., A1-1) for ease of reference. **Section 3.0** contains responses to comments received during the comment period and includes detail on text revisions to the Final EIS.

TABLE 2-1
COMMENT INDEX

Government Agencies		
Comment No.	Name	Affiliation
A1	Melissa Leal, PhD, Executive Director of Education	Wilton Rancheria
A2	Bob Terry, Tribal Housing Executive Director	Wilton Rancheria
A3	Larry F. Greene, Executive Director/Air Pollution Control Officer	Sacramento Metropolitan Air Quality Management District
A4	Tina Bartlett, Regional Manager	California Department of Fish and Wildlife
A5	Eric Fredericks, Chief, Office of Transportation Planning, South Branch	California Department of Transportation
A6	Steve Hutchason, Executive Director, Environmental Resources Department	Wilton Rancheria
A7	John Lundgren, Senior Planner/Environmental Analyst	Sacramento County
A8	Laura S. Gill, City Manager	City of Elk Grove
A9	Antonio Ruiz, Cultural Resources Officer	Wilton Rancheria
A10	Kathleen Martyn Goforth, Manager, Environmental Review Section	U.S. Environmental Protection Agency
A11	Pamela C. Creedon, Executive Officer	Central Valley Regional Water Quality Control Board

Government Agencies		
Comment No.	Name	Affiliation
A12	Mary R. Pakenham-Walsh, Senior Project Manager	U.S. Army Corps of Engineers
A13	Raymond C. Hitchcock, Chairperson	Wilton Rancheria
A14	Nicholas Fonseca, Chairman	Shingle Springs Band of Miwok Indians
A15	Leighann Moffitt, Planning Director	County of Sacramento
A16	Eugene M. Palazzo, City Manager	City of Galt
Organization/Businesses		
Comment No.	Name	Affiliation
O1	Paul C. Murphey, Ph.D.	Rocky Mountain Paleo Solutions
O2	Steve Holman	Galt Business Builders Networking Group
O3	Carol Louis	El Dorado Council
O4	Rikki L. Shaffer, CEO	Yuba-Sutter Chamber of Commerce
O5	Chris Newell	Galt Sign & Screen Printing
O6	Ann Ulrich	Galt District Chamber of Commerce
O7	Terry Parker	Parker Realty
O8	Cheryl Schmit, Director	Stand Up for California
O9	Cheryl Schmit, Director	Stand Up for California
O10	Cheryl Schmit, Director	Stand Up for California
O11	Alan Titus and Jarhett Blonien	Robb and Ross
O12	Brandon Rose, President	Environmental Council of Sacramento
Individuals		
Comment No.	Name	Affiliation
I1	Dylan Perry	
I2	Annette and Charles Nelson	
I3	Janessa White	
I4	Alexandra Toledo	
I5	Janene Lawrence	
I6	David and Cherise Canning	
I7	Michael A. Hodge	
I8	Laura Aleman	
I9	George Bennett	
I10	Joe A. Bermudez	
I11	Laree Bermudez	
I12	Rose LaVine	
I13	Cheryn Nicolaus	
I14	Juan Francisco Prieto	
I15	Elizabeth Reising	
I16	Cathleen Luckey	
I17	Kirk Marchetti	M&M Real Estate
I18	Maureen Constantino	
I19	Renate Johnson	
I20	Erin Hauge	

Individuals		
Comment No.	Name	Affiliation
I21	Rachel Verdoorn	
I22	Florence Pierce	
I23	Dennis and Elizabeth Crockett	
I24	Kunhuor Hak	
I25	Connie Montalbano	
I26	Mike Hamiel	
I27	Son and Tammie Phan	
I28	Gordon Christianer	
I29	Lacie Marchetti	M&M Real Estate
I30	Thomas Hingsbergen	
I31	Mary Hinegardner	
I32	Gene Holleman	
I33	Barbara J. Thomas	
I34	Lena M. Cortese	
I35	Joseph F. Cortese, Jr.	
I36	LaRee M. Bermudez	
I37	Joanne Vinton	
I38	Rick A. Hicks	
I39	Jeannie Ferreira	
I40	Cecelia Parker	
I41	Katherine Sherman	
I42	Truman Nicolaus	
I43	David Cargill	
I44	David and Eugenia Olson	
I45	Gordon Weiss	
I46	Pam Lomax	
I47	Glenn Lomax	
I48	Jack & Belinda Kral	
I49	Fred & Margot Lizardo	
I50	Deanna Asuncion	
I51	Tim Raboy	
I52	John Trochet	
I53	Mahlon Picht	
I54	Michelle L. Gutierrez	
I55	Wayne Le	
I56	Monica Olvera-Walker	
I57	Sam Davidson	
I58	Michael Monasky	
I59	Diane Owen	
I60	Mary DuBose	
I62	Akram Keval	

Individuals		
Comment No.	Name	Affiliation
I62	Genie Holleman	
I63	Bill and Barbara Griffin	
Collective Organizations		
Comment No.	Name	Affiliation
CO1	Kristy Reed, Caitalin Hudson, Ashley Zaragoza, Danielle Walker, Cherise Canning	Change.org ¹
CO2	Mary Roberson, Betsy Webb, Susanne Wilson, Jim R, Sandra Powell	Change.org
CO3	David Wagner, Paul Lester, Whitney Wood, Mary DuBose, Cathie LaZier	Change.org
CO4	Jane Thompson, Teresa Coatlaopeuh, John Huls	Change.org
CO5	Lisa Haley, Kristy Reed, Caitalin Hudson, Ashley Zaragoza, Danielle Walker,	Change.org
CO6	Howard Larimer, Denise Weiss, Judith Farnsworth, Susan Fritz, Karleen Gansberg	Change.org
CO7	Fabiola Mouriski, Barbara Badgett, Gloria Chadwick, Cynthia Alvarez, Francisco Romero	Change.org
CO8	Maddison MCafee, Mary Lou Ferreira, Barbara Kennedy, Denise Filakosky, Jessica Moore	Change.org
CO9	Angie Gaddini, Theresa Dickinson, Janessa White, Simone Pimentel, John Trochet,	Change.org
Public Hearing (January 29, 2016)		
Comment No.	Name	Affiliation
PH1	Joyce Dozier	Wilton Rancheria
PH2	Tracey Hansen	Consumes Community Services District Fire Department
PH3	Lee Ann McFaddin	Galt District Chamber of Commerce
PH4	Alexandra Barnhill	City of Galt
PH5	Steven Rudolph	City of Galt
PH6	John Lundgren	Sacramento County
PH7	Lee Acebedo	California Nations Indian Gaming Association
PH8	Rose LaVine	Galt Chamber of Commerce
PH9	Ann Ulrich	Galt Chamber of Commerce
PH10	Jamin Martinez	Sacramento County Sheriff's Department
PH11	Dorothea Theodoratus	California State University Sacramento
PH12	Dahkota Brown	
PH13	Elena Tarango	Wilton Rancheria
PH14	Antonio Ruiz	Wilton Rancheria
PH15	Melissa Leal	Wilton Rancheria
PH16	Carrie Yuhre	

¹ Note that Change.org is an online venue where individuals or groups may start petitions and solicit signatures and comments on the petitions via email and other online avenues. Change.org comments presented here were received directly by the BIA, pursuant to NEPA, in a series of nine emails, each containing multiple comments.

Public Hearing (January 29, 2016)		
Comment No.	Name	Affiliation
PH17	Nova Mastrogiovanni	
PH18	Lisa Jimenez	River Valley Miwok Indians
PH19	Derek Glantz	River Valley Miwok Indians
PH20	Al Baldwin	
PH21	Chris Newell	
PH22	Mel Shamblen	Comfort Inn & Suites
PH23	Laree Bermudez	
PH24	Alice Henderson	
PH25	Matt Weaver	
PH26	Kathy Diaz	
PH27	Carol Louis	
PH28	Tonya Caldwell	Wilton Rancheria
PH29	George Leon	
PH30	Janene Lawrence	
PH31	Lynn Wheat	
PH32	Jacob Cullers	County of Sacramento
PH33	Steve Holman	
PH34	Linda Barz	
PH35	Matthew Pratton	City of Galt
PH36	Mary Tarango	Wilton Rancheria
PH37	Bob Terry	Wilton Rancheria
PH38	Darell Doan	City of Elk Grove
PH39	Stan Kimbrough	
PH40	George Rocha	
PH41	Johnny Gayton	
PH42	Charles Altekruze	Wilton Rancheria
PH43	Veronica Kaufman	
PH44	Barbara Woods	
PH45	Lisa Jimenez	River Valley Miwok Indians

LETTERS FROM GOVERNMENT AGENCIES

Wilton Rancheria



9728 Kent Street, Elk Grove, CA 95624

January 29, 2016

Ms. Amy Dutschke
Pacific Region Director, Bureau of Indian Affairs (BIA)
2800 Cottage Way,
Sacramento, California 95825.

Re: Comments on the Wilton Rancheria Resort DEIS and Project

Good evening. My name is Dr. Melissa Leal and I am very happy to be here to express my support for Wilton Rancheria and the proposed project because of the many benefits it will bring to this Tribe and this community where my family has long lived.

I am a Galt High School Alum and I grew up in the Galt/Herald area along with 5 generations of my family who currently live in Galt. I am a member of the greater Native American Community and I have been working with American Indian students for 15 years.

I currently serve as the Director of Education for Wilton Rancheria. My job is to ensure that all tribal children are successful in school, graduate from high school, and go on to college or career/technical training. That task is often difficult. Unfortunately, and for reasons that are too extensive to discuss at this time, Native American students have the highest high school dropout rate and highest rate of incarceration of any ethnic group in the country. But these obstacles and outcomes can and will be reversed because most Native Americans share a commitment to educate our native kids and adults – they just too often lack the resources to get the job done.

So what can gaming do for us in regards to education? The financial support that gaming can provide will allow my Department to provide tutoring, scholarships, mentorships, youth empowerment programs, and cultural and linguistic programs that will allow our tribal children to be successful in the classroom and in their everyday lives.

Tribal government gaming revenue will allow the Tribe to create programs to teach children that they are important and have something to offer the greater community. It will allow me and other staff to help raise educated, compassionate, effective leaders.

Casino revenue will also filter into the local schools and benefit all children. Many gaming tribes have community giving campaigns that support local schools and non-profits, provide scholarships to non-tribal students, and fund summer and extracurricular programs.

For these reasons I believe the proposed Wilton Rancheria resort project will bring huge positive impacts, for our Tribe and community for generations to come. I ask that you move the project forward without delay.

Thank you.

Melissa Leal, Ph.D.
Executive Director of Education, Wilton Rancheria

A1-01



9728 Kent Street, Elk Grove, CA 95624

January 29, 2016

Ms. Amy Dutschke
Pacific Region Director, Bureau of Indian Affairs (BIA)
2800 Cottage Way,
Sacramento, California 95825.

Re: Comments on the Wilton Rancheria Resort DEIS and Project

Hello. My name is Bob Terry and I am the Housing Director for the Wilton Rancheria. My mission is to provide tribal members with safe, decent, and sanitary homes in order to promote healthy families.

I am strongly in support of the proposed resort project as I feel it will produce great benefits in housing as well as other areas that will raise the quality of life for this Tribe and community at large.

The Wilton Tribe has a lot of unmet needs in the area of housing:

- Only 16% of our citizens own their own homes -- compared to around 64-69% for the national population. That means 74% rent or live with extended family.
- 5% of tribal citizens are homeless or in prison.
- Nearly 1/3 of our citizens rely on some kind of social service safety net to get by.
- 72% of our citizens live within a 30-mile radius of the proposed site which means they live in a relatively high-priced housing market that squeezes our folks out of the market.
- We rely mainly on grant funding that is neither stable nor adequate to meet our needs.

Long term, the proposed project will help our Tribe address these challenges. With tribal-government gaming revenues, we will be able to build more homes, bring our tribal ownership closer to the national average, purchase more land (fee not trust) for housing, plan better based on more reliable and adequate funding, and work with other community organizations and non-profits to partner in addressing regional housing needs.

This project will do more than just add another Indian Casino in this part of California. It will also lead to many new and much-needed jobs, especially in the building trades, and support for local schools, parks, and other public programs. These changes will boost the economy and overall standard of living in both our Tribe and community.

For these reasons, I support the proposed project and hope it is moved forward quickly.

Thank you,

A handwritten signature in black ink that reads "Bob Terry".

Bob Terry
Wilton Rancheria Tribal Housing Executive Director

A2-01



February 10, 2016

Ms. Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

**DEIS Comments, Wilton Rancheria Fee-to-Trust and Casino Project
(SAC201301478)**

Dear Ms. Dutschke:

The Sacramento Metropolitan Air Quality Management District (SMAQMD) is obligated by State law¹ to represent the citizens of Sacramento in influencing the decisions of other public and private agencies whose actions may have an adverse impact on air quality. Since Sacramento County does not attain the Federal or State ozone standards, and an overwhelming percentage of ozone precursor emissions come from mobile sources, the SMAQMD reviews proposed land use and transportation projects to encourage reductions in mobile source emissions as an air quality improvement strategy.

SMAQMD is also required to prepare and implement the Sacramento Metro Area's portion of the California State Implementation Plan (SIP) for the Federal ozone standard. The SIP provides specific emission inventories, photochemical modeling, reasonably available control measure, provisions for transportation control strategies and measures, rate of progress and reasonable further progress demonstrations, attainment demonstration, transportation conformity motor vehicle emissions budgets, and contingency measures to meet the Federal ozone standard.

In this context, SMAQMD is providing the following comments on the draft environmental impact statement (DEIS) and draft general conformity determination (DGCD) for the Wilton Rancheria Fee-to-Trust and Casino Project.

Draft Environmental Impact Statement

1. Stationary source emissions (for example, boilers and emergency generators) should be included in the air quality analysis. The current analysis does not include these emissions.

¹ California Health and Safety Code §40961

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2. Stationary source emissions that will not require an air permit need to be included in the general conformity determination analysis.
3. Emissions from construction activities are proposed to be mitigated to a less than significant level with the use of tier 3 or newer engines, and diesel particulate filters on all engines. It may not be technically feasible to require diesel particulate filters on every engine working on the project. A contingency should be included in the mitigation to account for this possible situation, or the project could be constructed using only Tier 4 Final engines, which include particulate control devices.
4. The SMAQMD's construction threshold of significance for nitrogen oxide emissions (NO_x) is included in the DEIS (Table 4.4-3), but the analysis does not clearly demonstrate if the proposed mitigation will reduce emissions to that threshold, or if additional mitigation would be necessary. The SMAQMD routinely works with other Federal agencies (Army Corps, Bureau of Reclamation) on mitigating construction emissions to the local threshold, and could offer assistance on this project as well.
5. Operational emissions from energy, water and wastewater from the casino are not currently included in the air quality modeling.
6. Multiple measures to reduce operational emissions of ozone precursors are listed in Section 5.4.2 of the DEIS. SMAQMD recommends the Bureau commit to implement the measures and estimate emission reductions that could be realized from implementation. This could reduce the amount of emission reduction credits needed for mitigation. Also, mitigation measures implemented in the Sacramento Federal Ozone Non-attainment Area assist SMAQMD in meeting the Federal and State ozone standards.
7. Section 4.8 of the DEIS on transportation states the project will not impact existing or planned walking, biking or transit facilities or plans. SMAQMD promotes sustainable modes of transportation for land use projects. Since the project will create a large amount of vehicle trips, the SMAQMD encourages the Bureau to explore ways to incorporate walking, biking and transit infrastructure into the project not only to reduce vehicle trips and emissions from the project, but also to provide full transportation options to the customers and employees of the project. Other Tribal projects in the Sacramento Federal Ozone Non-attainment Area (Cache Creek, Thunder Valley) offer shuttle services and also work with local transportation agencies to provide transit service to the casinos.

A3-01
(cont.)

A3-02

A3-03

A3-04

A3-05

A3-06

*Wilton Rancheria Fee-to-Trust and Casino Project
Draft EIS and Draft General Conformity Determination
SMAQMD Comments
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Draft General Conformity Determination

1. Particulate matter (PM₁₀) and carbon monoxide (CO) emissions should be included in the conformity applicability analysis since SMAQMD is a Federal maintenance area for both pollutants.
2. The Bureau recognizes the need to mitigate operational ozone precursor emissions from the project to zero in order to make a positive conformity determination in accordance with Section 93.158 (a)(2) of the General Conformity Regulation². The draft general conformity determination identifies the purchase of emission reduction credits (ERCs) as the method to mitigate the emissions to zero.
 - a. There is currently not an adequate amount of NO_x ERCs available in the Sacramento Federal Ozone Non-attainment Area to meet the needs of the project.
 - b. If the Bureau is considering purchasing ERCs in the San Joaquin Valley (SJV), the Bureau must demonstrate that ozone emissions from the SJV contribute to the Sacramento Federal Ozone Non-attainment Area's violations.
 - c. SMAQMD requests the Bureau consider limiting SJV ERCs to those within 50 miles of the project site.
3. Section 93.160 of the General Conformity Regulation³ outlines the air quality mitigation requirements that must be met prior to the Bureau making a positive conformity determination for the project:
 - a. Mitigation measures must be specifically identified;
 - b. A process for implementation and enforcement must be described, including an implementation schedule with explicit timelines; and

A3-07

² Code of Federal Regulations, Title 40, Chapter I, Subchapter C, Part 93, Subpart B, Determining Conformity of General Federal Actions to State or Federal Implementation Plans, Section 93.158 (a)(2) For precursors of ozone, nitrogen dioxide, or PM, the total of direct and indirect emissions from the action are fully offset within the same nonattainment or maintenance area (or nearby area of equal or higher classification provided the emissions from that area contribute to the violations, or have contributed to violations in the past, in the area with the Federal action) through a revision to the applicable SIP or a similarly enforceable measure that effects emissions reductions so that there is no net increase in emissions of that pollutant.

³ Code of Federal Regulations, Title 40, Chapter I, Subchapter C, Part 93, Subpart B, Determining Conformity of General Federal Actions to State or Federal Implementation Plans

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- c. Written commitments from the persons/agencies providing mitigation must be obtained and provided.

These elements are not currently included in the draft general conformity determination.

A3-07
(cont.)

General Comments

I appreciate the Bureau providing the draft project documents to the SMAQMD for review and meeting with my staff to discuss the air quality components of the project.

In summary, SMAQMD wants to ensure that air quality impacts from the project are fully disclosed and mitigated. Stationary source emissions and operational emissions from casino energy, water and wastewater use need to be included in the EIS and general conformity analysis. Construction emissions should be compared to the SMAQMD's NO_x threshold and additional mitigation included to reduce the air quality impacts from construction. Operational emissions of ozone precursors and greenhouse gases should be reduced from the project by incorporating sustainable transportation modes and other measures listed in the EIS, which would also reduce the amount of ERCs needed to mitigate the emissions off-site. To meet the General Conformity Regulation, the SMAQMD provides specific requests related to disclosure and purchasing ERCs.

A3-08

I'm requesting the Bureau provide the final environmental impact statement and final general conformity determination once the documents are available.

You may contact Karen Huss of my staff (916-874-4881 or khuss@airquality.org) if you have questions regarding the SMAQMD's comments or would like to have further discussions on air quality analysis, emission reduction credits, or existing mitigation programs.

Sincerely,



Larry F. Greene
Executive Director/Air Pollution Control Officer

Cc: County of Sacramento
City of Elk Grove
City of Galt

State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670-4599
916-358-2900
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



February 11, 2016

John Rydzik
Bureau of Indian Affairs
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

Subject: DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) FOR THE WILTON RANCHERIA FEE-TO-TRUST AND CASINO PROJECT, SCH # 2013124001

Dear Mr. Rydzik:

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Environmental Impact Statement for the Wilton Rancheria Fee-to-Trust and Casino Project (project).

As a trustee for California's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Fish & G. Code, § 1802). CDFW may also act as a Responsible Agency (Cal. Code Regs., § 21069) for a project where it has discretionary approval power under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) and the Lake and Streambed Alteration Program (Fish & G. Code, § 1600 et seq.). CDFW also administers the Native Plant Protection Act, Natural Community Conservation Program, and other provisions of the Fish and Game Code that afford protection to California's fish and wildlife resources.

The Proposed Action (Alternative A) is located on a 282 acre site bound east/west by Highway 99 and the Union Pacific railroad tracks, and north/south by an unnamed tributary to the Cosumnes River and Twin Cities Road. The project proposes to acquire approximately 282 acres of fee land in trust by the United States upon which the Wilton Rancheria would construct a gaming facility, hotel, parking area, and other ancillary facilities.

CDFW is primarily concerned with the project's impacts to Swainson's hawk (*Buteo swainsoni*) and tricolored blackbird (*Agelaius tricolor*) foraging habitat and offers the following comments and recommendations for this project, focusing on Alternative A, in our role as a trustee of California's fish and wildlife resources.

Swainson's Hawk

The greatest threat to the Swainson's hawk population in California continues to be loss of suitable foraging and nesting habitat in portions of the Swainson's hawks breeding range due to urban development and incompatible agriculture. This impact has greatly reduced their range and abundance in California in the last century (California

A4-01

Department of Conservation, 2011; Wilcove et al. 1986; Semlitsch and Bodie 1998). Suitable foraging habitat is necessary to provide an adequate energy source for breeding Swainson's hawk adults, including support of nestlings and fledglings. Adults must achieve an energy balance between the needs of themselves and the demands of nestlings and fledglings, or the health and survival of both may be jeopardized. If prey resources are not sufficient, or if adults must hunt long distances from the nest site, the energetics of the foraging effort may result in reduced nestling vigor with an increased likelihood of disease and/or starvation. In more extreme cases, the breeding pair, in an effort to assure their own existence, may even abandon the nest and young (Woodbridge 1985).

Significant loss of agricultural lands and foraging habitat has occurred in Yolo, Sacramento, and San Joaquin counties due to residential development. According to the State of California's 2004-2006 California Farmland Conversion Report, southern California led all regions of the state with 47% of developed acres, while the San Joaquin Valley ranked second with 23%, and the greater Sacramento Metropolitan area ranking third with 16% of new urban acres; Sacramento county's expansion of nearly 10,000 acres was considered a record high. In addition, nearly 73% of newly urbanized lands in the San Joaquin Valley took place on agricultural lands, of which a large component included irrigated lands suitable for Swainson's hawk foraging. This report also points out that while urbanization is a leading component of agricultural land conversion throughout the state, economic and resource availability factors (i.e. water) also lead to conversion of irrigated farming to more intensive agricultural uses. Lands converted from irrigated use were greatest in the San Joaquin and Sacramento Valleys (37% and 16% respectively). If current trends of habitat conversion to incompatible agriculture or conversion of compatible agriculture to urban development continue, the Central Valley Swainson's hawk population will likely continue to decline, followed by a reduction in range and contraction of the distribution.

A4-01
(cont.)

The Proposed Action (Alternative A) would include the development of approximately 138.52 acres of agricultural land. The DEIS states that at the time of the biological survey's alfalfa (*Medicago sativa*) and corn (*Zea mays*) were in production. Suitable foraging habitat for Swainson's hawk includes a variety of agriculture crops, native grassland, and lightly-grazed dryland pasture. In the Central Valley, Swainson's hawk forage more often in mixed agricultural lands that support irrigated hay crops (e.g. alfalfa), as well as dryland pasture, grassy ruderal lots, and some irrigated crops, due to a higher accessibility and relative abundance of prey (Bloom 1980, Estep 1989, Babcock 1995, Smallwood 1995, Swolgaard, et.al. 2008). Alfalfa fields are more routinely used by foraging Swainson's hawks than any other crop type (Bloom 1980, Woodbridge 1985, Estep 1989, Babcock 1995, Sernka 1999, Anderson et. al. 2011).

Although a portion of the land will remain in agriculture use, there will still be a significant loss of foraging habitat, further contributing to the reduction of Swainson's hawk range and abundance in Sacramento County and California. In order to reduce the impacts to a less than significant level, the CDFW recommends acre for acre habitat replacement in the form of fee title acquisition with a conservation easement or acquisition of a conservation easement with the CDFW as a grantee to protect foraging

A4-02

habitat. This measure should be applicable to any of the alternatives that will impact Swainson's hawk foraging habitat.

A4-02
(cont.)

Tricolored Blackbird

Recent surveys combined with historical information indicate that tricolored blackbirds have undergone a long-term population decline, primarily due to losses of breeding and foraging habitats to urban and agricultural land conversions, and water diversions (Beedy and Hamilton 1997, Hamilton et al. 1999, Hamilton 2000). This species of particular concern because it's colonial behavior makes it especially vulnerable to large-scale nesting failures and its population abundance is now limited compared to historical conditions (DeHaven et al. 1975a, Beedy and Hamilton 1999, Unitt 2004). Ideal foraging conditions for tricolored blackbirds are created when shallow flood-irrigation, mowing, or grazing keeps the vegetation at an optimal height (<15 cm). With the loss of a natural flooding cycle and most native wetland and upland habitats in the Central Valley, breeding tricolors now forage primarily in managed habitats. Preferred foraging habitats include agricultural crops such as rice, alfalfa, irrigated pastures, and ripening or cut grain fields (e.g., oats wheat, silage, and rice), as well as annual grasslands, cattle feedlots, and dairies. Tricolors also forage in remnant native habitats, including wet and dry vernal pools and other seasonal wetlands, riparian scrub habitats, and open marsh borders.

A4-03

Since some of the alternatives contain suitable nesting and foraging habitat, the Department recommends that surveys are conducted at the correct time of year (early March), when both males and females are present at the potential nesting location. During incubation, males form all-male flocks and may spend the day several kilometers from colonies. Females on nests are quiet during incubation, and active colonies may appear to be largely deserted (Beedy and Hamilton 1997). Observation of the flight direction of adults with food in their bills is recommended, as once incubation has begun, detection probability decrease significantly. Furthermore, if it is determined that tricolored blackbirds are nesting in the project area, potential impacts should be properly analyzed and mitigated.

A4-04

Tricolored blackbird is a candidate for listing and has protection under CESA. A CESA permit should be obtained if the proposed project has the potential to result in take of State-listed plants or wildlife over the life of the proposed project (Fish and Game Code [FGC] §2081(b)). Issuance of a CESA permit is subject to CEQA documentation; therefore the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the proposed project will impact CESA listed species, early consultation is encouraged, as significant modification to the proposed project and mitigation measures may be required in order to obtain a CESA permit. A CESA permit may only be obtained if the impacts of the authorized take of the species are minimized and fully mitigated and adequate funding has been ensured to implement the mitigation measures. The Department may only issue a CESA permit if the Department determines that issuance of the permit does not jeopardize the continued existence of the species. The Department will make this determination based on the best scientific information available, and shall include consideration of the species' capability to survive and reproduce, including the species known population

A4-05

A4-06

A4-07

trends and known threats to the species. Issuance of a CESA permit may take up to 180 days from receipt of an application from the applicant.

A4-07
(cont.)

Summary

As stated in the DEIS, the project site provides foraging habitat for Swainson's hawk and tricolored blackbird, however compensatory mitigation for the loss of foraging habitat is not proposed. Swainson's hawk is listed as threatened in California and tricolored blackbird is a candidate for listing, which affords it the same protection. Additionally, both have protection under the Migratory Bird Treaty Act and section 3503.5 of the Fish and Game Code. For the reasons stated above the Proposed Action could result in a cumulative significant impact to these species unless adequate mitigation is incorporated.

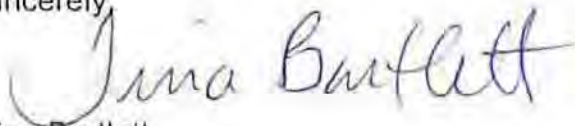
A4-08

CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications can be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670.

A4-09

Thank you for considering our concerns for the proposed project and providing the opportunity to comment on the DEIS. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts. If you have questions please contact Tanya Sheya, Environmental Scientist, by e-mail at Tanya.Sheya@wildlife.ca.gov or by phone at (916) 358-2953, and if you would like to request formal government-to-government consultation, please contact Steven Ingram, the Department's Tribal Liaison, by email at tribal.liaison@wildlife.ca.gov or by phone at (916) 651-7401.

Sincerely,



Tina Bartlett
Regional Manager

ec: Jeff Drongesen, Jeff.Drongesen@wildlife.ca.gov
Isabel Baer, Isabel.Baer@wildlife.ca.gov
Tanya Sheya, Tanya.Sheya@wildlife.ca.gov
Department of Fish and Wildlife

John.rydzik@bia.gov

References

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DEPARTMENT OF TRANSPORTATION

DISTRICT 3 – SACRAMENTO AREA OFFICE
2379 GATEWAY PAKS DRIVE, STE 150 – MS 19
SACRAMENTO, CA 95833
PHONE (916) 274-0635
FAX (916) 263-1796
TTY 711



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February 11, 2016

032015-SAC-0215
03-SAC-99
SCH# 2013124001

Mr. John Rydzik
Bureau of Indian Affairs
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

Wilton Rancheria Fee-To-Trust and Casino Project – Draft Environmental Impact Statement (DEIS)

Dear Mr. Rydzik:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. Caltrans' new mission, vision, and goals signal a modernization of our approach to California's transportation system. We review this NOP for impacts to the State Highway System in keeping with our mission, vision and goals for sustainability/livability/economy, and safety/health. We provide these comments consistent with the State's smart mobility goals that support a vibrant economy, and build communities, not sprawl.

This DEIS is for the acquisition of approximately 282 acres of fee land in trust by the United States upon which the Wilton Rancheria would potentially construct a gaming facility and/or retail, a convention center, a hotel, and a tribal festival ground. The DEIS includes three potential alternatives for facilities locations, including a property located within the City of Galt Sphere of Influence Area in unincorporated Sacramento County, north of Twin Cities Road between State Route (SR) 99 and the Union Pacific Railroad tracks; a property near the proposed outlet mall in the City of Elk Grove; and a property located at the Historic Wilton Rancheria in the community of Wilton. The following comments are based on the DEIS.

Encroachment Permit

Some facility locations would require building improvements within the State's Right of Way (ROW), requiring an encroachment permit. To apply, a completed encroachment permit application, environmental documentation, and five sets of plans clearly indicating State ROW must be submitted to:

Charles Laughlin
California Department of Transportation
District 3, Office of Permits
703 B Street
Marysville, CA 95901

A5-01

Traffic Operations

The location of the Wilton Rancheria gaming facility and proposed mitigation should take into consideration the construction of the ultimate SR 104/SR 99 interchange which is planned to be built just north of the present SR99/SR104 (Twin Cities Road) roundabout interchange location.

A5-02

West Stockton Boulevard is proposed to be closed between Mingo Road and just north of the SR 99/Twin Cities Road. This needs to be approved and coordinated with the City of Galt, Sacramento County, and Caltrans.

A5-03

The widening of Twin Cities Road to four lanes and the widening of the existing roundabout to two lanes, proposed as mitigation for the construction of the gaming facility, must be developed and constructed in cooperation with Caltrans under an approved encroachment permit. Caltrans must be in agreement with the leading local agency that the proposed widening would be suitable mitigation for the gaming facility.

A5-04

Mingo Road Interchange

As indicated in the DEIR, the project alternatives located near Twin Cities Road would require improvements to the Mingo Road/SR 99 interchange. As previously discussed, if this project location is ultimately selected, Caltrans would like to work with Wilton Rancheria and the Bureau of Indian Affairs to develop a cooperative agreement and Project Study Report (PSR) for the interchange improvements. The PSR would outline improvements, geometrics, and other requirements needed for Caltrans approval. The PSR would serve as the report for mutually agreed assurances so Wilton Rancheria can move forward with interchange design and construction. The PSR will be required for obtaining a construction encroachment permit.

A5-05

Caltrans appreciates that interchange designs have incorporated complete streets features and also acknowledge the Caltrans ICE policy.

Hydraulics

According to the DEIS, alternatives A, B, and C are expected to have impacts on SR 99 while alternative F may also have an impact on SR 99. Once a final alternative is selected at a later date, we would like to examine a final drainage report and provide further comments.

A5-06

ROW Engineering

The Lead Agency, County, City of Galt, or Caltrans may require a dedication of ROW to the State of California to mitigate the traffic impacts of the development. Any such dedication will need to be reviewed by Caltrans District 3 ROW Engineering for boundary correlation with existing state ROW.

A5-07

Any parcel or subdivision map created as a result of the development will also need to be reviewed by Caltrans prior to county approval for the means of boundary correlation with existing state ROW.

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this development.

A5-08

If you have any questions regarding these comments or require additional information, please contact Jacob Buffenbarger, Intergovernmental Review Coordinator at 916-263-1625 or by email at: Jacob.Buffenbarger@dot.ca.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "Eric Fredericks", written in a cursive style.

ERIC FREDERICKS, Chief
Office of Transportation Planning – South Branch

Wilton Rancheria



9728 Kent Street, Elk Grove, CA 95624

January 29, 2016

Ms. Amy Dutschke
Pacific Region Director, Bureau of Indian Affairs
2800 Cottage Way
Sacramento, California 95825

Re: Wilton Rancheria Casino Project DEIS

Dear Ms. Dutschke,

Thank you for allowing me to comment on the proposed project. My name is Steven Hutchason and I have been the Executive Director of the Environmental Resources Department at the Tribe for approximately 4 years. I am also a tribal member and resident of Sacramento County.

The Wilton Rancheria's Environmental Resources Department is dedicated to the preservation and protection of all the environs. The Department is in full support of the Project. The Draft Environmental Impact Statement recognizes that there are many potential impacts to the environment however, the document makes sure each impact is well addressed and properly mitigated for, if need be. The document has approximately 3,000 pages of proposed mitigation efforts that will bring all impacts to less than significant. Proper considerations to these impacts are mentioned throughout the document for all of the alternatives.

A6-01

The Tribe's environmental program is underfunded and understaffed. With hundreds of projects per year coming across my desk I am very limited to what projects I can comment and conduct a government to government consultation on, for the protection of our resources. With revenue generated from Indian Gaming the Tribe will finally have an environmental staff equivalent to the City or even the County.

A6-02

Please consider these items when making your decision in favor of the Tribe. This opportunity will allow for the Environmental Resources Department to further preserve and protect the environment for the community as a whole and for future generations. As you know, protecting and preserving natural resources is an important value among Native Communities.

Thank you for providing me with the opportunity to comment. If you have any questions, please contact me at the address above or via email at shutchason@wiltonrancheria-nsn.gov.

Sincerely,

Executive Director
Environmental Resources Department

Department of
Community Development
Lori A. Moss, Director



Comment Letter A7

Divisions

Administrative Services
Building Permits & Inspection
Code Enforcement
County Engineering
Economic Development & Marketing
Planning & Environmental Review

February 22, 2016

Bureau of Indian Affairs, Pacific Region
Attn: Chad Broussard
2800 Cottage Way, Room W2820
Sacramento, CA 95825

Via E-mail Only
chad.broussard@bia.gov

Subject: Comment Time Extension Request for the Draft EIS/TPED for the Wilton Rancheria Fee-to-Trust and Casino Project

Dear Mr. Broussard:

Sacramento County requests a 10-day extension of the comment period for the above referenced project to March 10th, 2016, so that we may continue to work with the Wilton Rancheria (Tribe) on negotiating a MOU that addresses our mitigation concerns.

We are regularly meeting with the Tribe and feel that we are close to a mutually agreeable framework. At our last meeting with the Tribe on February 18th, we discussed the County requesting this extension and the Tribe indicated they were in favor of the extension.

Thank you for your consideration of our request. If you have any questions or concerns please contact me at lundgreni@saccounty.net or (916) 874-8043.

Sincerely,

John Lundgren,
Senior Planner/ Environmental Analyst

cc: Raymond Hitchcock, Wilton Rancheria Tribal Chairman
Rose Weckenmann, Wilton Rancheria Tribal Attorney
Britt Ferguson, Sacramento County CFO
Leighann Moffitt, Sacramento County Planning Director

A7-01

Comment Letter A8

Phone: 916.681.7111
Fax: 916.627.4200

Web: www.elkgrovecity.org

8401 Laguna Palm Way
Elk Grove, California 95755



February 18, 2016

Mr. John Rydzik
Chief Division of Environmental, Cultural Resource Management and Safety
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Sent via e-mail john.rydzik@bia.gov and U.S. Mail

RE: Draft Environmental Impact Statement/Tribal Project Environmental Document Wilton Rancheria
Fee-To-Trust and Casino Project

Dear Mr. Rydzik,

The City of Elk Grove (City) has reviewed the above referenced environmental document. I submit this comment letter, as well as the attached technical memorandums, for consideration in the preparation of the Final Environmental Impact Statement (EIS). Most of the comments in this letter and the attached technical memorandums are in regards to Alternative F because that is the only alternative within the City limits. While there is not an application at this time to take the Alternative F site into trust, our understanding is that this is still the appropriate time to comment on the Alternative F site.

A8-01

The discussion below is in relation to fiscal impacts on the City's infrastructure and services. Further discussion of impacts will also occur in the attached technical memorandum.

Police Services. Page 2-28 of the Draft EIS it states that, "The City of Elk Grove Police Department EGPD in conjunction with Tribal security would provide law enforcement for the gaming facility and hotel complex." While this is an accurate statement if the facility were located within City limits, there is not a full discussion of how impacts to law enforcement would be mitigated. The EIS states the Project would generate a large volume of visitors to the City of between 8,100-9,000 on a week day and 12,900-14,200 on a weekend. Page 4.7-13 states there is an MOU with the City to provide "a framework for the Tribe to compensate" the City for public services. However, there are no further specifics. The number of law enforcement officers patrolling at this time does not take into account a facility of this size. This concern is acknowledged on page 4.7-22, where it states: "Destination casinos, by their nature, increase the volume of people in a given community." Wherever that volume of people is introduced the volume of crime but not necessarily the severity is expected to increase. In order to mitigate that volume increase the City requests that those mitigations be worked out now between the City and the Rancheria to avoid impact to the City.

A8-02

Comment Letter A8 cont.

Tax Revenues. The City is also concerned about impact to tax revenue. If Wilton Rancheria was to submit an application to put the property identified as Alternative F in trust, the property would no longer be subject to property tax, nor would the project be required to pay the City's impact or building permit fees. The property in question is currently zoned commercial, and the City would expect to receive significant sales tax from the property because it is adjacent to the approved outlet mall. In addition, any hotel on the property would not be subject to the City's uniform transient occupancy tax codified in Chapter 3.08 of the Elk Grove Municipal Code. As a former budget director, I can tell you that all of these revenue sources for the City are significant. While the EIS suggests that payments made to the local jurisdictions outweigh this lost revenue, there is not an analysis showing this to be true. Thus, the City requests working out the mitigation for lost revenues now.

A8-03

Public Facilities. The Project will also impact public facilities located in the City of Elk Grove, which include but are not limited to libraries, trails, and parks. While the City is not the main agency that deals with parks, it does own some parks. Page 4-27 states that the Project does not anticipate patrons would visit libraries and parks, so therefore, there is no impact. This statement does not take into account all of the employees that the project would need and likely necessitate relocation to the City for at least a portion. The economic impact statement included in the Draft EIS (Volume 2, Appendix H, page 81) states that the casino would generate an estimated 2,914 jobs. It is fair to assume that a portion of those individuals filling those jobs would not be current residents; thus, the new residents would generate additional need for City facilities. The EIS assumes that 80% of the positions would go to Sacramento County residents without a basis or explanation for this percentage. Further discussion and analyses would be useful to help understand any impacts to the City.

A8-04

The City acknowledges that this project is not subject to its existing codes, including the Lent Ranch Special Planning Area that currently controls the property described in Alternative F. However, a discussion of the City's Codes in relation to this Project is an objective measure by which the City can relay comments related to the casino project. Please find attached the aforementioned technical memorandum from the City's experts. Those memorandums cover aesthetics, air quality, land use, cultural resources, noise, police services, traffic, transit, water, sewer, and solid waste.

A8-05

Thank you for the opportunity to comment. If you should have any questions, please feel free to contact me.

Respectfully,



Laura S. Gill
City Manager
City of Elk Grove

Interoffice Memorandum



January 28, 2016

Date

Laura Gill, City Manager

To

Christopher Jordan, AICP,
Assistant to the City Manager

From

Wilton Rancheria Draft EIS Review

Subject

The following are comments and concerns with the Draft EIS prepared for the Wilton Rancheria Fee-to-Trust and Casino Project.

Introduction

The following are comments on Chapter 1 of the Draft EIS:

1. Figure 1-5 identifies the incorrect Assessor's Parcel Numbers (APN) for the site. The correct APN is 134-1010-001.

A8-06

Affected Environment

The following are comments on Chapter 3 of the Draft EIS:

2. Section 3.3.3 (page 3.3-15) provides incorrect information on groundwater level and supply and references a City system. The City is not a water provider. This section should be updated to reflect the actual water provider, who is Sacramento County Water Agency.
3. Section 3.4 (page 3.4-12) references sensitive air quality receptors near the Project sites. For Alternative F, the discussion does not reference the proximity to approved residential Projects, such as Sterling Meadows. This is information that should be referenced in this section and used in the analysis portion of the document.
4. Page 3.6-9 (Cultural and Paleontological Resources) identifies that Alternative F is over a half mile away from any residential concentration. The site, however, is 1,500 feet from the Hampton Oaks neighborhood. Additionally, approved residential projects are approximately 1,000 feet to the west of the site. This is information that should be referenced in this section and used in the analysis portion of the document.
5. Section 3.9.3 (Elk Grove Mall Site, Land Use discussion) – The following is a summary of the issues with this section. Please see attached track changes for more details.

A8-07

A8-08

A8-09

Comment Letter A8 cont.

- | | | | | |
|---|---|-------|---|-------|
| a. The governing zoning for the site is the Lent Ranch Special Planning Area, not a specific plan. The LRSPA, as applicable to the site, was last amended in October 2014. | } | A8-10 | | |
| b. As an SPA, the LRSPA is a part of the City's Zoning Code (Title 23 of the Municipal Code). Where the SPA is silent, the balance of the Zoning Code prevails; where there is a conflict, the SPA prevails. | } | A8-11 | | |
| c. The list of "zoning designations" on page 3.9-16 is actually a list of General Plan Land Use designations. | } | A8-12 | | |
| d. There are no airstrips near the Mall site. | } | A8-13 | | |
| e. In the Agricultural section, the City does not have an Urban Policy Area, nor an Urban Services Area. Rather, these are County provisions not applicable in City limits. | } | A8-14 | | |
| f. Figure 3.9-3 is incorrect. Land uses conform to the property limits. Specifically, the entirety of the Project Site is designated Commercial. | } | A8-15 | | |
|
6. Page 3.10-10 | | | | |
| a. The nearest CCSD Fire Station is across SR 99 on Survey Road at the training facility. A closer station is planned at Kammerer Road and Lotz Parkway as part of the Sterling Meadows development, but has not been constructed. This should be referenced in the discussion. | } | A8-16 | | |
| b. The nearest trauma center is the Kaiser South Sacramento facility at Mack Road in the City of Sacramento. See http://gis.oshpd.ca.gov/atlas/topics/tc_dashboard . | } | A8-17 | | |
|
7. Page 3.11-5 (Noise) – The Elk Grove Noise Element should be referenced in this section. It can be found online at http://www.elkgrovecity.org/city_hall/departments_divisions/planning/land_use_regulations/general_plan_and_community_plans/ . | | | } | A8-18 |
|
8. On pages 3.13-13 & 14: | | | | |
| a. See previous comments re: land use and the LRSPA. | } | A8-19 | | |
| b. A discussion should be added regarding Elk Grove Municipal Code Chapter 19.12 (Trees). | } | A8-20 | | |
| c. The Mall site has been maintained. Weeds are mowed on an annual basis and the site is patrolled by security personnel. | } | A8-21 | | |
| d. The viewsheds of Alternative F presented in section are all on-site of the Project, unlike the other alternatives. The analysis that follows in Chapter 4 would be stronger if viewsheds from State Route 99 (driver perspective) and the residential areas to the north and west were included. This is especially important because the hotel would be taller than any building in the City or allowed by Code (LRSPA has a maximum height allowed of 100 feet in the Regional Mall district). | } | A8-22 | | |
|
Environmental Consequences: Wilton Sites (Alternatives D & E) | | | | |
| 9. Impacts from these alternatives would substantially modify the character and quality of the Wilton and Sheldon communities. Particularly, the traffic volumes and requirement improvements at Grant Line and Wilton and along Wilton Road are major physical | } | A8-23 | | |

- | | |
|--|------------------|
| changes. Further analysis of the necessary mitigation measures on the environment are encouraged. | A8-20
(cont.) |
| 10. The Transit discussion on page 4.8-40 references the Twin Cities site, which is not consistent with the intended purpose of the paragraph. This should be corrected to read "The Historic Rancheria Site." | A8-21 |

Environmental Consequences: Mall Site (Alternative F)

- | | |
|--|-------|
| 11. The analysis in section 4.7 (Socioeconomic Conditions) only analyzes the primary region of impact (the City of Galt) and therefore only works with Alternatives A, B, and C. It may not adequately analyze the potential impacts on Unincorporated Sacramento County (Alternatives D and E) or Elk Grove (Alternative F). The analysis should be supplemented with a discussion of why the approach is valid/justified for Alternatives D, E, and F. | A8-22 |
| 12. Section 4.9.6 (Land Use): | |
| a. If the Elk Grove site is selected, a determination of General Plan conformity is required under the Memorandum of Understanding Among the County of Sacramento, City of Elk Grove, and the Wilton Rancheria (see Section 3(a)(iii)). As such, Policy LU-1 of the General Plan should be added to the analysis in Table 4.9-4. | A8-23 |
| b. Specific discussion of consistency with the Lent Ranch Special Planning Area (zoning) should be included in this section. | |
| c. This section concludes that the Project would be consistent with the Mall project as it is a large retail facility. While this may be the case, an analysis of differences in floor-area-ratio, building height, setbacks, and other land use metrics should be included to help document the consistency. | A8-24 |
| 13. As previously mentioned, Kaiser South Sacramento is the designated trauma center for this area. Section 4.10.6 should be updated to reflect this. | |
| 14. Section 4.11.6, Construction Noise: | |
| a. The analysis indicates that pile-driving is not proposed for the development. Given the soil conditions in the Sacramento Valley, construction of a 12-story hotel may be more economical with pile foundation. Therefore, the analysis may not be sufficient, if pile driving is contemplated. | A8-25 |
| b. The operational noise analysis only compares to the NAC and Sacramento County thresholds. It does not, and should, compare the Project to the City of Elk Grove Noise standards and policies. | A8-26 |
| 15. All of the viewsheds analyzed for Alternative F are internal to the property. In section 4.13.6, no analysis is presented on potential impacts from adjoining properties, including, but not limited to, the Kaiser medical offices, residential uses across Highway 99, or views from the Highway itself. Further, the analysis identifies that the Project will improve the visual character of the area in comparison to the existing conditions. More information should be provided to document the impact of a 12-story hotel building on the broader surrounding conditions. There are no similar buildings in the Elk Grove area and such a project could have impacts on the visual character of the area not unlike that described in Alternative A. | A8-27 |
| 16. On Page 4.14-13 (Noise), the discussion references imposition of Elk Grove regulations regarding noise. However, in the noise impact analysis section (as discussed above), | A8-28 |

Comment Letter A8 cont.

- there are no references to these regulations, nor an analysis of consistency with Elk Grove noise policies found in the General Plan. The document should be updated for consistency and to clarify what standards the Project will be following. A8-28 (cont.)
17. The Indirect Effects from Utility/Infrastructure Improvements discussion in Section 4.14.2 excludes an analysis on the indirect effects of connecting to the public improvements in the Mall alternative. If not addressed elsewhere in the document, impacts to the sewer lift station and downstream trunk and interceptor capacity, as well as off-site well and treatment capacity for potable water, should be addressed. A8-29
18. Table 4.15-2 lists Cumulative Development in the City of Elk Grove that is included in the cumulative impact analysis. This table is incomplete and, in some places, inaccurate. For instance:
- a. The Lent Ranch Special Planning Area is 295 acres in size, but its development is limited to approximately 3.1 million square feet of retail and 280 multifamily dwellings. No single family residential development is approved.
 - b. The table does not include the Sterling Meadows project adjacent to Lent Ranch, which includes 976 single family units and 200 units of multifamily as proposed and approved. The Large Lot Final Map for the project has recorded and improvement plans for the phased subdivision are being reviewed. A8-30
 - c. The Southeast Policy Area is not represented on the table. This project has a maximum development potential of 4,790 dwelling units and 23,410 jobs.
 - d. The Laguna Ridge Specific Plan is 1,900 acres, not 7,762. It has a build-out potential of 7,762 dwelling units.
19. On page 4.15-49 (Land Use), reference is made to Section 4.9 and a statement that the Tribe would develop the site consistent with City land use and development regulations. No such statement is present in this section; rather, the section states "The Tribal Government desires to work cooperatively with local and State authorities on matters related to land use." This section should be clarified. A8-31
20. Page 4.15-52 (Aesthetics) states: "...the development of Alternative F would be generally consistent with the visual goals of Elk Grove land use regulations." Given that the proposed hotel component of the Project is 12 stories, it would be helpful if the analysis described in more detail how the Project would not have an aesthetic impact on the community. A8-32

Mitigation

21. Section 5.4.2 identifies mitigation relative to operation and climate change. Mitigation for GHG/climate change impacts should include broader mitigation requirements to conform to Tier 1 CalGreen building efficiency standards, achieve Silver LEED standard (or better), or achieve other similar building efficiency standard as called for in the City's adopted Climate Action Plan. This approach would provide a broader range of options to achieving GHG reductions than those specifically listed. A8-33
22. In Mitigation 5.7.C on Page 5-16, is this payment consistent or similar to other mitigation payments for similar projects in the State? Additionally, shouldn't the payment be annually adjusted based upon the local Consumer Price Index? A8-34
23. I recommend that the following additional mitigation measures be explored for the Project: A8-35

- a. Require that all landscaping be designed and installed consistent with the requirements of the local agency and the State of California Model Water Efficient Landscape Ordinance in order to reduce the use of potable water for landscaping purposes.
- b. Require the extension of the "Purple Pipe" treated wastewater system from the Laguna Ridge area to the Project site to provide water for irrigation and (to the extent feasible) toilet systems within the Project. This would help reduce the overall water demand for the Project once the "Purple Pipe" system is operating with treated water from the Regional San plant after completion of the EcoWater Project.
- c. See previous comment on Section 5.4.2.

Recommended changes to Section 3.9.3

3.9.3 ELK GROVE MALL SITE -ALTERNATIVE F

Guidance Documents and Zoning Ordinance

Land use planning and development for the Mall site is guided by the City of Elk Grove General Plan (Elk Grove GP, 2009) and the Lent Ranch Specific Plan (2001).

Elk Grove General Plan

The objectives of the Elk Grove ~~GP~~ General Plan (adopted by City July 1, 2000) are to provide guidance to the development and management of land within the City of Elk Grove (Elk Grove). The Elk Grove ~~GP~~ General Plan summarizes its policies and implementation strategies as they relate to the City's goals and objectives. The ~~GP~~ General Plan covers 16 elements, including Land Use. The Land Use Policy map describes what type of new land uses are desired or whether existing open lands will be retained for agriculture, habitat, or other uses.

In some areas, the Land Use Policy Map shows future uses which differ from the existing land uses. The Land Use Map portrays the ultimate uses of land in and around the community through land use designations (City of Elk Grove, 2009). **Table 3.9-3** depicts the City of Elk Grove's strategies and policies applicable to the Mall site.

TABLE
3.9-3

CITY OF ELK GROVE APPLICABLE GENERAL PLAN ~~STRATEGIES AND~~ POLICIES

Policies	City of Elk Grove Planning Policies
LU-4	All land use approvals, including, but not limited to: <ul style="list-style-type: none"> • Zoning, • Planning documents (such as Specific Plans and Special Planning Areas), • Tentative Maps, • Conditional Use Permits, • Etc., shall be required to conform with the General Plan.
LU-7	The City encourages disclosure of potential land use compatibility issues such as noise, dust, odors, etc. in order to provide potential purchasers with complete information to make informed decisions about purchasing property.
LU -9	Land uses in the vicinity of areas designated as "Heavy Industry" on the Land Use Policy Map should include transitions in intensity, buffers, or other methods to reduce potential impacts on residential uses. Buffers may include land designated for other uses, such as Light Industry, commercial, or open spaces.
LU-35	Land uses in the vicinity of areas designated as "Heavy Industry" on the Land Use Policy Map should include transitions in intensity, buffers, or other methods to reduce potential impacts on residential uses. Buffers may include land designated for other uses, such as Light Industry, commercial, or open spaces.
LU-36	Signs should be used primarily to facilitate business identification, rather than the advertisement of goods and services. Sign size limits and locations should be designated consistent with this policy.
Source: City of Elk Grove, 2009	

Lent Ranch Marketplace Specific Plan

The ~~Lent Ranch Marketplace Specific Plan (SP)~~ as approved by Elk Grove City Council on June 27,

~~2001, guides and controls the nature of development within the Lent Ranch project area, a portion of which is the site of the proposed development of the Mall site Alternative. The SP provides standards, guidelines, and procedures necessary to satisfy the provisions in the City Code (City of Elk Grove, 2001). The Mall site and surrounding properties are located within the Lent Ranch Special Planning Area (SPA).~~

~~This 295-acre SPA has been designated for future commercial land uses. The Mall site is divided into five land uses consisting of a regional mall, community commercial, office entertainment, visitor commercial, and multi-family residential uses and is zoned SPA-LR by the City (City of Elk Grove, 2001). The SPA is consistent with the Elk Grove GP and related regulations, policies, ordinances and programs governing zoning amendments and adoption of SPA land use plans. The various land uses permitted within the SPA are consistent with the goals, policies, and general land uses described in the General Plan.~~

Elk Grove Zoning Code

Title 23, Zoning, of the Elk Grove Municipal Zoning Code (Elk Grove Code) carries out the policies of the Elk Grove GP General Plan by classifying and regulating the uses and development of land and structures within Elk Grove to be consistent with the GP General Plan. The Zoning Code is adopted to protect and promote the public health, safety and convenience, prosperity, and general welfare of residence and business in Elk Grove. A description of the applicable zoning designations for the Mall site and vicinity are described below.

Lent Ranch Special Planning Area

The Lent Ranch Special Planning Area (LRSPA) is a special purpose zoning district created for the area surrounding and including the Mall site. The purpose of a special planning area district is to designate areas for unique and imaginative planning standards and regulations not provided through the application of standard zoning districts. The City established the LRSPA in June 2001 to provide the standards, design guidelines, and entitlement procedures for development within the SPA. The majority of the 295-acre LRSPA is designed for commercial uses, including the Mall site.

Commercial

~~The Commercial designation is generally characterized by office, professional, and retail uses in any mix. Residential uses are not permitted.~~

Commercial/Office

~~Commercial/Office designation is generally characterized by office, professional, and retail uses in any mix. Residential uses are not permitted.~~

Commercial/Office/Multi-Family

~~Commercial/Office/Multi-Family land use designation is generally characterized by office, professional, and retail uses in any mix. Also includes high density residential development.~~

~~Heavy Industrial~~

~~The Heavy Industry land use designation is generally characterized by industrial or manufacturing activities, which may occur inside or outside of an enclosed building.~~

~~High Density Residential~~

~~The High Density Residential designation may consist of apartments, condominiums, or clustered single family (City of Elk Grove, 2009).~~

~~Light Industrial~~

~~The Light Industry designation is generally characterized by industrial or manufacturing activities, which occur entirely within an enclosed building.~~

~~Low Density Residential~~

~~The Low Density Residential designation is characterized by lot sizes that vary, generally from approximately 6,000 to 10,000 square feet (SF).~~

Regional and Local Setting

The Mall site is located in the City of Elk Grove, immediately west of Highway 99, north of Kammerer Road, and east of Promenade Parkway. The Mall site was partially developed in 2008 with parking facilities and shell commercial structures ~~including department stores and a movie theater~~; however, these commercial structures are only partially constructed and are vacant. Due to the downturn in the economy, the project has remained in a state of suspension for several years. In 2014, the City issued new approvals for a portion of the site. Development of this area is pending. The partially developed Both the 2008 and 2014 projects was are consistent with the City approved Lent Ranch SP-LRSPA.

Site and Vicinity Land Use

Land use on the Mall site is designated as Commercial in the Elk Grove GP (Figure 3.9-3). Existing land use to the immediate north of the Mall site is designated ~~Commercial/Office and~~ Commercial/Office. Across SR 99, and further north along Promenade Parkway land use is designated Heavy Industrial and Light Industrial.

Land use to the west is zoned Commercial, Commercial/Office/Multi-Family, Medium Density ~~Residences~~Residential, and Low Density ~~Residences~~Residential (City of Elk Grove, 2009). Land to the south of the Mall site is outside of Elk Grove's boundaries and designated by the County as Agricultural Croplands (Sacramento County, 2011). Existing land uses northwest and west of the

Mall site include vacant land and agricultural uses, to the east is industrial, and to the north is primarily commercial. The nearest airstrip is approximately two miles northeast of the Mall site.

Agriculture

Prior to the incorporation of Elk Grove, the area of the Lent Ranch SPA and the surrounding parcels were in agricultural production, but were undergoing change as the area developed. ~~As part of the City's planning process after Elk Grove was incorporated, Lent Ranch SPA was included within the City's Urban Policy Area and the Urban Service Boundary. The designation of the area for urban development and subsequent development both within and outside of the SPA has removed much of the land from agricultural use.~~ As part of the establishment of the SPA, an Environmental Impact Report (EIR) was prepared (City of Elk Grove, 2000); this document addressed the environmental impacts to agriculture resources. These impacts were mitigated prior to construction in 2008 pursuant to the mitigation measures established in the EIR.

There are no farming operations on the Mall site or infrastructure that would support land cultivation. Consultation with the NRCS has determined that the Mall Site is not subject to protection under the FPPA due to the fact that it has been set aside for urban development. Furthermore, the Mall site is not under an active Williamson Act Contract (DOC, 2012).

The California FMMP classifies most of the Mall site as urban and built-up land.

Corrected Figure 3.9-3: Elk Grove General Plan Land Use Designations



Interoffice Memorandum



A8-35
(cont.)

February 11, 2016

Date

Laura Gill, City Manager

To

Robert Lehner, Chief of Police

Elk Grove Police Department

From

Wilton Rancheria Draft EIS Review

Subject

The following are my comments and considerations as related to the Wilton Rancheria Draft EIS review:

1. **Section 3.10.4 Law Enforcement Services**

The Draft EIS (page 3.10-8) under the heading "Elk Grove Mall Site" states that the Elk Grove Police Department has approximately 207 staff positions, with 131 sworn police officers and 77 non-sworn management, administration and technical positions.

As of 02/07/2016, EGPD staffing consists of 207.5 staff positions, 129.5 sworn positions and 78 non-sworn positions.

Additionally in this section, the Draft EIS (page 3.10-8 and 3.10-9) states that the EGPD Communication Center answers an average of 186,000 emergency and non-emergency calls annually and that in the 2012-2013 fiscal year 97,068 calls for service were received with 52,266 resulting in a unit being dispatched. For the same period, EGPD's response time to top priority calls (from call to dispatch to arrival on scene) was five minutes and 57 seconds.

Updated statistics for the calendar year of 2015 show that the EGPD Communication Center answered 154,623 emergency and non-emergency calls. During the 2015 calendar year 98,098 calls for service were received with 43,836 resulting in a unit being dispatched. EGPD's response to top priority calls was 5.8 minutes for 2015.

A8-37

2. **Section 4.7.6 Alternative F – Casino Resort at Mall Site**

The Draft EIS (page 4.7-55) under the heading "Social Effects" states that the social impacts including pathological and problem gambling, and crime, would be similar to those of Alternative A (Galt site), since Alternative F is of the same size and scope. Alternative A discusses social effects as it relates to the Galt location (page 4.7-21). The subsection "Crime" (page 4.7.22 through 4.7-27) discusses the impact that the proposed Casino might have on crime in the community of Galt.

A8-38

Based on an analysis detailed in Appendix N, the Draft EIS estimates a projected annual increase of 461 law enforcement calls for service and 125 arrests. Projected direct costs of these increases were determined by both the 2014-15 Galt Police Department annual budget of \$5,667,560 (page 4.7-24 and 4.7-25) and the 2014 annual arrest records of the City of Galt which resulted in 949 arrests (page 4.7-25 and 4.7-26).

A8-38
(cont.)

Further information would be needed to determine a projected annual increase in calls for service and arrests specific to the Elk Grove location, based on EGPD's 2014-15 annual budget of \$35,458,468 or the 2015-16 budget of \$36,582,714, and EGPD's arrest records of 2098 arrests in 2014 (CJSC) or 2500 arrests in 2015 (EGPD Records).

3. Section 4.10.6 Alternative F – Casino Resort at Mall Site

The Draft EIS (page 4.10-26) under the heading "Law Enforcement" states that law enforcement services would be provided by the Sacramento County Sheriff's Department and/or the City of Elk Grove Police Department. Absent an MOU between the agencies, all law enforcement services would be provided by EGPD.

4. Section 5.10.3 Law Enforcement

The Draft EIS (page 5.27 and 5.28) discusses the implementation of mitigation measures to minimize potential impacts related to law enforcement services. Subsection "P" states that "prior to operation, the Tribe shall enter into agreements to reimburse the City of Elk Grove Police Department for quantifiable direct and indirect costs incurred in conjunction with providing law enforcement services."

A8-39

Further discussion would be needed to determine mitigation measures afforded to the City by the Tribe, prior to the construction of the casino. If additional officers need to be hired by EGPD so that the City can continue to provide its existing level of service to the community, the hiring and training process can be lengthy and EGPD would need appropriate time to accomplish this.

Interoffice Memorandum



January 28, 2016

Date

Laura Gill, City Manager

To

Farhad Iranitalab, TE

From

Wilton Rancheria Draft EIS Review

Subject

I have reviewed the traffic study prepared for this Project. I offer the following comments and considerations:

1. Page 3.8-2 & 3 (Transportation/Circulation):
 - a. The description of Grant Line Road is not current as improvements to a 4-lane facility have been completed to Waterman Road. Additionally, the railroad overcrossing is complete.
 - b. The description of Kammerer Road is not correct. The consultant should be referred City's General Plan Circulation Element as amended March 2015. Also, distinction needs to be made between the Capital SouthEast Connector and City improvements. A follow up with Public Works and Connector staff would be appropriate.
 - c. No description of Promenade Parkway is provided. This is a major road and the primary access for Alternative F.
 - d. In the Freeway Facilities discussion, reference is made to Elk Grove Road. The correct name is Elk Grove Boulevard.
2. Table 3.8-4 provides a Level of Service ("LOS") rating for existing conditions at various intersections in and around the various project alternative locations. For the intersection at Grant Line Road and Sheldon Road, was this measurement before or after completion of the signalization project that the City recently completed? If it is before, this may impact the traffic analysis.
3. Table 3.8-5 lists LOS ratings for existing conditions along various roadway segments. Is it correct that the measurements for Grant Line Road are from prior to the City's project to grade-separate the segment from East Stockton to Waterman Road? Updated measurements may be necessary to fully understand the project impacts.
4. Section 5.8, Transportation Mitigation
 - a. Recommend that fair share traffic mitigation payments be made prior to the start of construction of the Project (including any related roadway improvements completed by the Tribe), not solely prior to the road improvements. If the improvements are not being completed by the Tribe (as described in the first paragraph), then the local agency collecting the mitigation needs the flexibility to have the funds on hand to combined with other traffic impact mitigation payments

A8-40

A8-41

A8-42

Comment Letter A8 cont.

from other projects to deliver the improvements in the most efficient manner possible.

- b. Mitigation F – this agreement should also include the City for alternatives D, E, and F.
- c. Mitigation O (Grant Line Road/Wilton Road Intersection) – Impacts from this need to be further analyzed. Some conversation has occurred through the Connector project to realign Wilton Road with Pleasant Grove School Road to create a common 4-way intersection, rather than the existing off-set.

A8-42
(cont.)

A8-43

A8-44

Interoffice Memorandum



January 28, 2016

Date

Laura Gill, City Manager

To

Darren Wilson, PE, Development Services Director

From

Wilton Rancheria Draft EIS Review

Subject

The following are my comments on this document:

1. Water Supply (Sections 2.7.2, 4.10.6, 4.15.8, 5.10.1 and Appendix I):

- a. These sections repeat the statement that "SCWA has capacity to meet anticipated demand for domestic water use under Alternative F," however, Appendix I only provides the demand calculations for the alternative but does not actually analyze if SCWA's distribution system has the capacity or not within the service area. Therefore, it is unclear what the actual impacts to SCWA's system will be as a result of this alternative.

A8-45

- b. Section 5.10.1 provides a broad measure (i.e. service agreement) for mitigating off-site options or improvements without identifying the actual, specific impacts and associated improvements necessary to mitigate those impacts.

A8-46

- c. Appendix I (page 24) states that "(SCWA's) distribution lines are more than capable of delivering the daily water demand associated with Alternative F." However, information or analysis supporting this statement is not presented in the document.

A8-47

2. Wastewater (Sections 2.7.2, 4.3.6, 4.10.6, 4.15.8, 5.10.1 and Appendix I):

- a. These sections provide the wastewater demands for Alternative F and state that there is available capacity to meet these demands at the SRCSD WWTP without analyzing and identifying the impacts to the system in between (i.e. distribution and transmission systems, the Promenade Mall/Sterling Meadows Sewer Lift Station, and other facilities).

A8-48

- b. Section 5.10.1 provides a broad measure (i.e. service agreement) for mitigating off-site options or improvements without identifying the actual, specific impacts and associated improvements necessary to mitigate those impacts.

A8-49

- c. Appendix I addresses wastewater demands for Alternative F, but states (on page 37) that "there is insufficient information available publicly for (the engineer) to perform an independent capacity study." It continues to read that "a capacity study will be required...to confirm if upgrades will be required." This document should identify the specific impacts and associated upgrades necessary to mitigate those impacts.

A8-50

Interoffice Memorandum



January 28, 2016

Date

Laura Gill, City Manager

To

Jean Foletta, Transit Manager

From

Wilton Rancheria Draft EIS Review

Subject

The following are my comments on this document:

1. Section 3.8.3 should be updated to clarify the status of e-tran services in this area. Specifically, the EIS should acknowledge the presence of bus shelters along Promenade Parkway but that no active transit service is currently operating. The EIS should go on to state that, based upon the forthcoming Comprehensive Operational Analysis, transit service would be initiated once retail and entertainment development occurs.
2. There are no references in Section 3.8 to the planned extension of fixed transit service into the City and to the Mall site. These improvements have been identified in Regional Transit's planning and the City's General Plan for some time.
3. The Traffic Study and Section 4.8 of the EIS describe the volume of trips generated by the proposed facility. However, there is no analysis on the number of trips that could occur through transit ridership rather than conventional automobiles. It would be helpful to understand the extent of transit ridership to and from the facility (whether users or employees), so that transit service can be adequately planned and budgeted. Further, it may be more efficient for these services to be provided by e-tran, rather than a shuttle bus operated by the Project as described on page 247 of the Traffic Study.
4. There appears to be a disconnect between the Traffic Study and the mitigation measures presented in the EIS. Specifically, page 247 of the Traffic Study calls for the establishment of a shuttle service between the Project and points within the City, or the establishment of other services in cooperation with e-tran. This is not identified as a mitigation measure in Chapter 5 of the EIS and should be corrected. An additional solution that is not mentioned is the extension of fixed transit to the Project site, which would provide service north into Sacramento.

A8-51

A8-52

A8-53

Interoffice Memorandum



January 28, 2016

Date

Laura Gill, City Manager

To

Heather Neff, Integrated Waste Manager

From

Wilton Rancheria Draft EIS Review

Subject

The following are my comments on this document:

1. Page 3.10-7 – Republic serves residential customers and the City. Commercial users may be served from Republic or one of the other approved commercial haulers. See City website for more information. The City has a contract with Forward Landfill in Stockton for residential waste. Commercial waste goes to a number of different locations depending upon which facilities the 14-registered haulers are using (it is up to them to choose). The list of facilities they use is fairly extensive.
2. Section 4.10.6, Solid Waste – The assumption that construction and demolition (C&D) and operation waste would be hauled to Kiefer Landfill is not accurate. See previous comments. Consideration in the analysis should be made for alternative locations for waste disposal.
3. Page 4.10-26 notes that the Mall site “is located within the service boundaries of the County DWMR”. The Mall site is within the City of Elk Grove and is therefore in the service boundaries of Elk Grove where service is provided to commercial customers by private hauling companies that must be registered with the City.
4. Page 4.15-50, Solid Waste – again, there is no guarantee that solid waste from the project would go solely to Kiefer. Consideration in the analysis should be made for alternative locations for waste disposal.
5. Section 5.10.2, Solid Waste - For Alternative F, the Project should be required to comply with the City’s C&D Debris Reduction, Reuse, and Recycling regulations (EGMC Chapter 30.70) and the City’s mandatory business recycling requirements (EGMC Chapter 30.60). Doing so will help to ensure that waste generated from the facility is reduced to the extent feasible, which is an improvement for the environment.

A8-54

A8-55

A8-56

A8-57

Wilton Rancheria



9728 Kent Street, Elk Grove, CA 95624

January 27, 2016

Ms. Amy Dutschke
Pacific Region Director, Bureau of Indian Affairs (BIA)
2800 Cottage Way,
Sacramento, CA

Re: Comments on the Wilton Rancheria Resort DEIS and Project

Hello. My name is Antonio Ruiz and I am the Cultural Resources Officer for the Wilton Rancheria. I have worked in this field for nearly a decade and for this Tribe for the last year and a half. I am also a Tribal member of the Wilton Rancheria and a resident of Sacramento County.

The proposed Wilton Resort Project will support my Department's activities in ways likely to benefit both our Tribe and community at large.

Our mission is to protect places of cultural significance and preserve sacred sites and artifacts for the youth and future generations to come. In carrying out these duties, we work closely with federal, state, and local government agencies that communicate with our office on a daily basis requesting formal consultations for proposed projects that are under their jurisdiction and within our ancestral territory.

Our work is so important for a Tribe like ours that had its history, if not its existence, erased for nearly half a century -- and is still trying to claw back the losses that resulted from its unlawful termination.

Financial support from this project will help reverse these losses and enhance true tribal sovereignty. We will be able to put the pieces of our history and culture back together again by:

- building a cultural center
- revitalizing traditional practices such as language, songs, and dances
- providing public outreach programs to the greater non-Indian community.

Cultural enrichment of this sort benefits not only Wilton tribal citizens but other Native people of the region as well as non-Native people eager to understand and experience the full richness of this area's history.

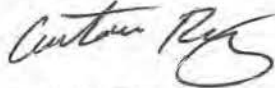
A9-01

Regional growth and development may also benefit: better, more predictable funding from the project means we won't have to rely on government grants to hire and train staff needed to keep up with the steady stream of requests for cultural consultations.

Regarding our own proposed project, the DEIS document indicates no known cultural resources of significance in any of the proposed Alternative sites and therefore little anticipated impact on Cultural Resources. Just in case, mitigation measures have been identified in Section 5.6 of the DEIS for the treatment of unanticipated archaeological discoveries [which my department would be responsible for managing].

In summary, I appreciate you taking my comments into consideration and giving us the opportunity to comment on this project. I ask that we have the full support of you and the greater community to move this project forward without any delays. Thank you for your time this evening.

Sincerely,

A handwritten signature in black ink, appearing to read 'Antonio Ruiz', with a stylized flourish at the end.

Antonio Ruiz
Cultural Resources Officer
Wilton Rancheria

A9-01
(cont.)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Comment Letter A10

February 25, 2016

Amy Dutschke
Pacific Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, California 95825

Reg Dir all ✓
Dep RD Trust ✓
Dep R&IS ✓
Route Decems
Response Required _____
Due Date _____
Memo _____ Ltr _____
Fax _____

Subject: EPA comments on Wilton Rancheria Fee-to-Trust and Casino Project Draft
Environmental Impact Statement (DEIS), Sacramento County, California
(CEQ# 20160000)

Dear Ms. Dutschke:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. Our detailed comments are enclosed. As a cooperating agency for the project, EPA reviewed sections of the Administrative DEIS and provided comments to the Bureau of Indian Affairs (BIA) on April 13, 2015.

The Proposed Action would take 282 acres near Galt in Sacramento County into federal trust for development of a casino, event center, hotel, and associated facilities. The project includes options for water and wastewater utilities, including development of an onsite drinking water system and wastewater treatment plant. The DEIS evaluates several alternatives, including projects on two alternative sites: an historic Rancheria site and a mall site in Elk Grove.

Based on our review, we have rated the Proposed Action and all other action alternatives as *Environmental Concerns – Insufficient Information* (EC-2) (see enclosed “Summary of Rating Definitions”). Our concerns regard the completeness of the draft General Conformity Determination under Clean Air Act, section 176(c)(4), which ensures that a federal action does not interfere with the local air district’s plans to attain the National Ambient Air Quality Standards. The Sacramento Metropolitan Air Quality Management District may not have enough emission reduction credits to fully offset the project’s emissions, as proposed in the draft General Conformity Determination (Appendix T). If the project proponent will obtain offsets from outside of the air district, the General Conformity Determination should explain how emission offsets would originate from an area that contributes, or has contributed in the past, to the violations in the project area. In addition, it is not clear whether all emissions from the possible import of fill for the Twin Cities site have been accounted for in the emissions estimates.

A10-01

A10-02

The DEIS indicates that, of the action alternatives, Alternative F at the Elk Grove Mall site would result in the least adverse environmental impacts, overall. For this reason, we recommend it be designated the environmentally preferable alternative and that BIA and the Tribe strongly consider this site for the project. Conversely, we have substantial additional concerns regarding the historic Rancheria site, since the alternatives on that site would be constructed in the 100-year floodplain, adversely impact threatened

A10-03

A10-04

Comment Letter A10 cont.

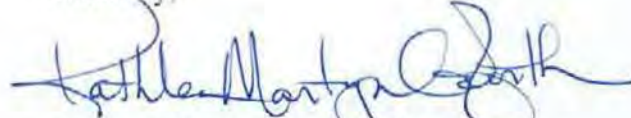
and endangered species, and locate the wastewater treatment plant in a wetland. We recommend against selecting Alternatives D and E on the historic Rancheria site.

A10-04
(cont.)

EPA appreciates the opportunity to review this DEIS. When the Final EIS is released for public review, please send one copy to the address above (mail code: ENF-4-2). If you have any questions, please contact me at (415) 972-3521, or contact Karen Vitulano, the lead reviewer for this project, at 415-947-4178 or vitulano.karen@epa.gov.

A10-05

Sincerely,



Kathleen Martyn Goforth, Manager
Environmental Review Section

Enclosure: Summary of EPA Rating Definitions
EPA's Detailed Comments

cc: Karen Huss, Sacramento Metropolitan Air Quality Management District

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

ADEQUACY OF THE IMPACT STATEMENT

Category "1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category "2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category "3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT, WILTON RANCHERIA FEE-TO-TRUST AND CASINO PROJECT, SACRAMENTO COUNTY, CALIFORNIA, FEBRUARY 25, 2016

Preferred and Environmentally Preferable Alternative

The DEIS does not identify a preferred alternative. While the Proposed Action is Alternative A at the Twin Cities site near Galt, the DEIS states that Alternative F at the mall site in Elk Grove would result in the least adverse environmental impacts because most of the required infrastructure is already in place at that site and the site, itself, is already partially developed (p. 2-34). Nevertheless, the DEIS concludes that Alternative A is the alternative that best meets the purpose and need of the Tribe to establish and maintain a long-term, sustainable revenue stream, while addressing environmental concerns in both the project design and with mitigation measures (p. 2-35). It is unclear how it was determined that Alternative A would better establish and maintain a long-term sustainable revenue stream than Alternative F. The facilities would be practically identical in size, with both alternatives proposing the same square footage for the casino, retail and other front house services, restaurants, convention center, and casino support. The hotel sizes are comparable (225,280 ft² and 302 rooms under Alternative A, and 229,680 ft² and 307 rooms under Alternative F). There would be more surface parking at the Twin Cities site, but the Elk Grove site offers more public transit opportunities. While the Twin Cities site would provide additional full-time jobs (2,000 vs. 1,750), both facilities would provide a number of jobs in excess of the Tribe's population of 700, and both facilities would serve the same number of patrons. Because, as stated in the DEIS, Alternative F would have the least adverse environmental impacts, it would better address environmental concerns than would Alternative A; therefore, it appears Alternative F would best meet the purpose and need. We understand that an agreement is not currently in place for the purchase of the Elk Grove Mall site by the Tribe.

A10-06

Recommendation: Identify Alternative F as the environmentally preferable alternative and strongly consider the Alternative F Elk Grove Mall site for the project. In the Final EIS, clearly demonstrate the basis for the determination of which alternative best meets the purpose and need for the project.

Air Quality Impacts***General Conformity - Emission Offsets/Emission Reduction Credits***

The draft General Conformity Determination in Appendix T specifies that the emissions of nitrogen oxides (NO_x) and Reactive Organic Gases or Volatile Organic Compounds (ROG or VOC) would be offset through the use of Emission Reduction Credits (ERCs) from the Sacramento Metropolitan Air Quality Management District. We are aware that the District has communicated to BIA that it may not have sufficient ERCs to allow the project to proceed. EPA regulations allow ERCs to be obtained from a "nearby area of equal or higher classification provided the emissions from that area contribute[s] to the violations, or have contributed to violations in the past, in the area with the Federal action" (40 CFR 93.158(a)(2)); therefore, BIA may be able to offset the emissions for this project by obtaining credits from another air district. We note, however, that the guidance contained in the preamble to the modification of the general conformity rule that allows out-of-area offsets recommends that "federal agencies show that they have met the requirements of §93.158(a)(2) -- that the emission offsets originate from an area that contributes to the violations, or have contributed to violations in the past, in the areas with the federal action."¹ The preamble further states that this demonstration should use the same techniques that EPA has approved for demonstrating contributing emissions in other SIP-related determinations. The document *Air Quality Modeling Technical Support Document for the 2008 Ozone*

A10-07

¹ 75 FR 17254, April 5, 2010

NAAQS Cross-State Air Pollution Rule Proposal (November 2015)² identifies a recent technique EPA used to assess out-of-state contributions to nonattainment areas. While not directly applicable to the Sacramento and San Joaquin Valley, it does demonstrate EPA's method for assessing contributions between two areas.

Recommendations: If BIA plans to use out-of-area offsets, revise the General Conformity Determination to demonstrate that the nearby nonattainment area of equal or higher classification contributes, or has contributed in the past, to the violations of the National Ambient Air Quality Standards.

If BIA can make the above demonstration, obtain ERCs from near the sources of the expected emissions to the extent possible, prioritizing ERCs from the Sacramento metropolitan area first, followed by the northern portion of the San Joaquin Valley, and finally from the southern portion of the San Joaquin Valley, if necessary.

General Conformity – Fill Import Emissions

The Twin Cities site would require an extensive amount of fill -- approximately 640,000 cubic yards (p. 2-11) -- and the DEIS indicates that this fill might be taken from other areas of the site or imported from off-site (p. 4.2-3). The DEIS' estimate of 16 material hauling trips per day during construction (p. 4.11-2) does not appear to take the possibility of off-site import of fill into consideration.

Recommendation: EPA recommends that the Final EIS clarify where on the site the fill would originate and indicate the likelihood that off-site fill would need to be imported. Update the General Conformity Determination for the construction phase, if applicable.

Significance Threshold Terminology

The DEIS uses the General Conformity de minimis thresholds as significance thresholds in the NEPA impact assessment methodology; however, the DEIS refers to these levels as "Council on Environmental Quality (CEQ) Reference Points (RP)". This terminology is confusing. The only use of the term "CEQ Reference Point" that we are aware of is in reference to the 25,000 metric tons/year greenhouse gas emissions value that is cited in CEQ's Draft Guidance for Greenhouse Gas Emissions and Climate Change Impacts³. We are not aware of the use of this term for criteria pollutants, and its unconventional use may be confusing to the reader.

Recommendation: In the Final EIS, explain the use of the term "CEQ reference point" in relation to criteria pollutants. If no clear CEQ association exists with these values, we recommend using the General Conformity de minimis terminology.

Tribal New Source Review

The DEIS states that the Tribe may be required to apply for a permit under the newly implemented minor New Source Review (NSR) requirements of the Clean Air Act, and that an associated minor NSR permit would only be required if the USEPA promulgates both class-specific guidelines for casino resorts and regulations that require the Tribe to obtain a minor NSR permit (p. 4.4-4). This is not entirely correct. A minor NSR permit would be required prior to construction if the projected aggregate operational emissions from stationary emission units at the facility would exceed the minor NSR thresholds listed in Table 4.4-1 in the DEIS. Based on the information in the DEIS, it appears that most

A10-07
(cont.)

A10-08

² <http://www.epa.gov/airmarkets/air-quality-modeling-technical-support-document-2008-ozone-naaqs-cross-state-air>

³ <https://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa/ghg-guidance>

alternatives' aggregate operational emissions of reactive organic gases (ROG) from stationary emission units would be above the 2 tons per year (tpy) minor NSR permitting threshold. The proposed casino project would require a site-specific minor NSR permit if EPA has not promulgated a class-specific general permit or permit by rule for casinos, boilers, and/or stationary compression ignition engines. If a class-specific general permit or permit by rule has been promulgated, the applicant would have the option of requesting coverage under such a general permit in lieu of applying for and obtaining a site-specific minor NSR permit. As of this time, no general permit or permit by rule for casinos, boilers, and/or stationary compression ignition engines has been promulgated by EPA; therefore, a site-specific minor NSR permit may be required.

A10-08
(cont.)

Recommendation: Amend the discussion of Tribal NSR in the Final EIS to include the clarification provided above. If you have any questions regarding the Tribal NSR permitting process, please contact Lawrence Maurin in EPA Region 9's Air Division at (415) 972-3943 or Maurin.Lawrence@epa.gov. Also, we note that Table 4.4-1 on page 4.4-4 includes a Tribal Minor NSR threshold for nitrogen dioxide (NO₂) in addition to NO_x. This appears to be an error; perhaps it was meant to list PM, which would correspond to the listed threshold of 10 tpy.

Air Quality and Climate Change Mitigation

The DEIS includes a number of measures in Section 5.4.2 to mitigate both criteria air pollutants and greenhouse gas (GHG) emissions. One measure that addresses GHG emissions, alone, states that the Tribe shall purchase GHG emission reduction credits (ERCs), and the reduction in emissions from this purchase would reduce project-related GHG emissions to below the CEQ Reference Point, of 25,000 metric tons of CO₂e (p. 5-7).

Recommendation: EPA recommends that all of the mitigation measures in Section 5.4.2 be implemented. With regard to the GHG ERCs, we recommend that the purchase of credits be from a program that has been validated using rigorous protocols and guidance to ensure the credits are real, additional, and surplus. The California Air Pollution Control Officers Association has developed the Greenhouse Gas Credit Exchange for this purpose. See www.ghgrx.org. In addition, any individual can register as an individual general market participant and open a compliance instrument account in California's Cap and Trade Program, even if they don't have a compliance obligation under that program. See <http://www.arb.ca.gov/cc/capandtrade/capandtrade.htm>.

A10-09

Water Resources

Wastewater Treatment for the Twin Cities Site

The DEIS includes 2 options for wastewater treatment for the Twin Cities alternatives: 1) construction of an onsite wastewater treatment plant (WWTP) and 2) offsite connection to the existing municipal WWTP. We note that the City of Galt's WWTP is located on the parcel directly adjacent to the Twin Cities site. This proximity could provide advantages for an offsite connection, including greater feasibility and simplicity of project operations.

A10-10

The DEIS indicates that, if an onsite WWTP is constructed, recycled water may be used for landscape irrigation, toilet flushing, and cooling towers, with disposal of the remaining treated effluent by sub-surface disposal, or a combination of spray disposal and sub-surface disposal. Sub-surface disposal requires good percolation and several feet of clearance above the highest groundwater levels. The DEIS indicates that a majority of the soil on the Twin Cities site has low and very low infiltration rates (p. 3.3-2), but also states that, even with very conservative assumptions of soil suitability, the subsurface areas

A10-11

are sufficient for disposal and the Twin Cities site has over 80 acres of land that could be used and would be sufficient for wastewater disposal. The DEIS states that percolation testing and soil evaluations would be needed before finalizing the design and sizing of the subsurface system (p. 4.3-3). If spray disposal is used, it is important to ensure that soil conditions at the site would absorb the proposed volumes of spray wastewater without runoff. Runoff and water discharges to waters of the U.S. would be in violation of the Clean Water Act unless a National Pollutant Discharge Elimination System (NPDES) permit had been obtained.

A10-11
(cont.)

The text of the DEIS contains some wording that can be misinterpreted to imply that an on-site WWTP will be regulated by EPA, which might not be the case. For example, mitigation measure A states that the Tribe shall apply for and obtain applicable USEPA permits and approvals prior to operation of the WWTP on the Twin Cities site (p. 5-3). As we noted in our ADEIS comments, subsurface disposal can be regulated by EPA as a Class V well under the Underground Injection Control Program, and the first step is the provision of inventory information to EPA's online database, but a permit may or may not be required. Similarly, mitigation measure C states that for all on-site treatment options, the on-site WWTP shall be staffed with operators who are qualified to operate the plant safely, effectively, and *in compliance with all permit requirements and regulations*, which implies EPA permits will be obtained. Lastly, the DEIS states on p. 4.3-3 that the proposed WWTP, including either of the selected disposal options, would meet the U.S. Environmental Protection Agency wastewater disposal criteria; however, it is not clear what criteria this refers to.

A10-12

Finally, we appreciate the inclusion of our recommended mitigation measure that installation and calibration of subsurface disposal lines be closely monitored by the responsible engineer to ensure the spray and subsurface effluent disposal system is operating effectively.

Recommendations:

- For the alternatives on the Twin Cities site, consider selecting the off-site WWTP option.
- Ensure percolation testing and soil evaluations occur prior to project construction to confirm the suitability of soils for effluent disposal, and include a requirement for this testing in the mitigation measures for wastewater.
- Remove the permit compliance reference for operator qualifications in mitigation measure C, but keep the mitigation that ensures operators are qualified. Clarify the reference to EPA wastewater disposal criteria.
- Include in the mitigation measures a commitment to submit a Class V Underground Injection Program inventory to EPA's online database, per 40 CFR 144.26. If there are any questions regarding the UIC program, please contact Leslie Greenberg, who can be reached at 415-972-3349 or Greenberg.leslie@epa.gov.

A10-13

Groundwater/Drinking Water Mitigation

The DEIS includes a discussion of the Safe Drinking Water Act and its requirements and states that an onsite water supply option would be classified as a non-transient and non-community (NTNC) public water system subject to EPA Drinking Water Standards (p. 3.3-9). The mitigation measures for groundwater state only that, "if on-site groundwater is used as a water supply, groundwater sampling and analysis shall be performed to determine if treatment is necessary. If treatment is necessary, an on-site water treatment plant shall be constructed to treat drinking water to USEPA standards" (p. 5-4). The Groundwater Study (Appendix K, p. 17) includes a recommendation that, "if new wells are to be installed on the Twin Cities Site, wells should be positioned so as not to create a new negative impact on existing wells and surface water features in the vicinity of the Twin Cities site".

A10-14

Recommendation: Include in the Final EIS a commitment to consult with EPA early in the process of setting up the public drinking water system, and to conduct baseline monitoring and submit the results to EPA prior to public water use. The Tribe should contact David Albright, Section Chief of Region 9's Drinking Water Office, at (415) 972-3971 or albright.david@epa.gov to coordinate the development of the drinking water system.

Include as mitigation a requirement that any new wells be positioned so as not to create a new negative impact on existing wells and surface water features in the vicinity of the project site.

A10-14
(cont.)



Central Valley Regional Water Quality Control Board

26 February 2016

John Rydzik
Chief, Division of Environmental, Cultural Resource
Management and Safety
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825
Email: john.rydzik@bia.gov

Via electronic mail

Subject: DEIS Comments for the Wilton Rancheria Fee-to-Trust and Casino Project,
Sacramento County, California (SCH# 2013124001)

Dear Mr. Rydzik:

Thank you for the opportunity to comment on the draft Environmental Impact Statement (DEIS) for the proposed Wilton Rancheria Fee-to-Trust and Casino Project (Project). We appreciate the opportunity to respond early in the environmental review process. The Central Valley Regional Water Quality Control Board (Central Valley Water Board) may be a responsible agency for this Project, as defined by the California Environmental Quality Act (CEQA) for any projects occurring on non-trust lands. Discharges directly to waters of the state or discharges that occur off of Indian trust lands are subject to permitting by the Central Valley Water Board. The Central Valley Water Board has jurisdiction over the quality of state waters including ground and surface waters (including wetlands) and the protection of the beneficial uses of such waters.

The DEIS contains six alternatives that entail three different types of development that could occur on any one of three potential locations, as summarized in the below table:

	<u>Twin Cities Site</u>	<u>Historic Rancheria Site</u>	<u>Elk Grove Mall Site</u>
Casino resort:	Alternative A	Alternative D	Alternative F
Reduced intensity Casino resort:	Alternative B	Alternative E	
Retail development:	Alternative C		

Alternatives A, B and C are located at the 282-acre Twin Cities site in unincorporated Sacramento County, within the City of Galt Sphere of Influence area. The Twin Cities site is dominated by agricultural production. Depending on the Project alternative and options selected for the final Project design, the Project could create ~53 to 63 acres of new impervious area and entail the discharge of storm water runoff to Laguna Creek, a tributary to the Cosumnes River, and the discharge of treated wastewater to on-site leach fields or the combination of on-site leach fields and spray fields. Another Project option described in the DEIS for Alternatives A, B and C is for the City of Galt to provide wastewater treatment via connection to the City's conveyance system and wastewater treatment plant.

Alternatives D and E are located at the 75-acre Historic Wilton Rancheria site within the unincorporated community of Wilton, approximately eight miles northeast of the Twin Cities site. The site is undeveloped grassland with two residences. The Project could create ~41 acres of new impervious area and entail the discharge of storm water runoff and treated wastewater to the Cosumnes River that could require a National Pollutant Discharge Elimination System (NPDES) permit from the U.S. Environmental Protection Agency.

Alternative F is located at the 28-acre Elk Grove Mall site in the City of Elk Grove, Sacramento County. This site was previously developed as a regional shopping center but never completed. The Project could create ~12 acres of new impervious area at the site. Under Alternative F, the Tribe would obtain a services agreement with the Sacramento Regional County Sanitation District (SRCSD) and the Sacramento Area Sewer District to provide sewer service to the Mall site. In addition, the site is within Sacramento County's municipal separate storm sewer system (MS4) service boundary. Discharges from this MS4 are regulated by an NPDES permit issued by the Central Valley Water Board. The development of Alternative F would include connections to the existing storm drainage system previously developed on the Mall site, which is routed to an off-site stormwater detention basin that drains to Shed C Channel (an agricultural drainage ditch) and waters with the Stone Lakes National Wildlife Refuge that ultimately drain to the Sacramento River in the northern Delta.

Without adequate mitigation, the proposed Project alternatives have the potential to create significant water quality impacts to waters of the United States and waters of the state. Specifically, discharges of wastewater and storm water runoff as well as dredge and fill activities, if not properly mitigated, could impact ground and surface water quality. In the following pages we provide recommendations for ways to minimize the potential for water quality impacts.

A11-01

Storm water management and California Wetlands Conservation Policy

Alternatives A through F of the DEIS incorporate storm water treatment best management practices (BMPs) for both during construction and after construction (low-impact development), and hydromodification management. Central Valley Water Board staff recommends that the final Project design incorporate storm water treatment BMPs and hydromodification management controls such as those identified in the Sacramento County MS4 NPDES Permit¹ and *April 2009 Storm Water Quality Improvement Plan*,² and the *State Water Resources Control Board General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities*³ to minimize the potential for storm water discharges from the final Project site to cause or contribute to exceedances of water quality objectives in receiving waters. To minimize potential impacts to surface water quality by construction-related discharges, Central Valley Water Board staff recommends that no discharge to surface waters occur during construction of the Project.

A11-02

¹ The Sacramento County MS4 NPDES Permit is available at: http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/sacramento/r5-2015-0023.pdf

² The Sacramento County MS4's *April 2009 Storm Water Quality Improvement Plan* is available at: http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/sacramento/r5-2010-0017_2009sqip.pdf

³ The *State Water Resources Control Board General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* is available at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

The proposed Project alternatives have been designed to minimize permanent impacts to wetlands. Central Valley Water Board staff prefers that the final Project does not permanently impact wetlands. If this cannot be achieved, Central Valley Water Board staff recommends the final Project comply with the State of California's California Wetlands Conservation Policy.⁴ The primary goal of this policy is to ensure no overall net loss and to achieve a long-term net gain in the quantity, quality, and permanence of wetland acreage in California. To comply with this policy, the final Project should provide mitigation for any permanent impact to wetlands at a minimum 1:1 ratio.

A11-03

Wastewater treatment and disposal and use of recycled water

Due to the concerns and challenges related to wastewater treatment and disposal, Central Valley Water Board staff strongly requests that the wastewater generated from the final Project be conveyed to either the City of Galt's or the SRCSD's existing wastewater treatment facilities. Both facilities are equipped to provide reliable treatment and disposal. Both the State Water Resources Control Board (State Water Board) and the Central Valley Water Board have adopted resolutions and policies⁵ in support of regionalization, reclamation, and recycling for wastewater treatment. These resolutions and policies promote coordinated management of water supplies and wastewaters on a regional basis to achieve efficient utilization of water. Further, these resolutions and policies advocate that regional solutions for wastewater collection and treatment be considered in all cases where feasible and desirable to implement sound water quality management programs based upon long-range economic and water quality benefits to an entire basin.

A11-04

Should an on-site wastewater treatment option be implemented, Central Valley Water Board staff recommends that the facility provide primary treatment to remove solid materials; secondary treatment to digest dissolved and suspended organic material, as well as the nutrient nitrogen; disinfection to kill pathogenic bacterial; and tertiary treatment including nitrification and denitrification to meet standards per Title 22 of the California Code of Regulations for use as recycled water within the final Project area. Meeting the Title 22 standards would help minimize the potential for recycled water use to cause or contribute to groundwater and surface water

A11-05

⁴ Executive Order W-59-93, signed by Governor Pete Wilson on 23 August 1993, established state policy guidelines for wetlands conservation ("California Wetlands Conservation Policy"). The Executive Order is available at: http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/wrapp2008/executive_order_w59_93.pdf

Additional information about the State and Regional Water Boards' efforts to implement the California Wetlands Conservation Policy is available at: http://www.waterboards.ca.gov/water_issues/programs/cwa401/wrapp.shtml

⁵ Central Valley Water Board Resolution No. R5-2009-0028 is available at: http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/resolutions/r5-2009-0028.pdf

The State Water Board's *Recycled Water Policy* and associated Resolution Nos. 2009-0011 and No. 2013-0003 are available at: http://www.waterboards.ca.gov/water_issues/programs/water_recycling_policy/

State Water Board Resolution No. 77-1, *Policy with Respect to Water Reclamation in California*, is available at: http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1977/rs77_001.pdf

Resolution No. 77-1 includes the principle that the State and Regional Water Boards shall encourage reclamation, reuse, and water conservation. The Legislature has also repeatedly expressed a strong policy favoring water recycling and reuse. (See Water Code sections 13510-13511, 13576, 14051.)

In addition, the Water Quality Control Plan for the Sacramento and San Joaquin River Basins (Basin Plan) includes a wastewater reuse policy that encourages the reclamation and reuse of wastewater where practicable. This Basin Plan is available at: http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml

quality impacts. The use of passive treatment and disposal systems, such as unlined treatment ponds, is strongly discouraged.

A11-05
(cont.)

We also recommend that the wastewater generated from the final Project be recycled to the greatest extent practicable in accordance with Title 22. The State Water Board's *Recycled Water Policy* (see footnote 5) states the State and Regional Water Boards will exercise the authority granted to them by the Legislature to the fullest extent possible to encourage the use of recycled water, consistent with state and federal water quality laws.

Any wastewater not recycled is recommended to be applied to land rather than discharged to surface waters. Any discharges of wastewater to land disposal systems (land application areas, spray fields, or storage ponds) should not degrade or impair water quality beyond existing conditions or water quality objectives. Application of wastewater should be at agronomic rates and crops or other vegetation (including pasture grasses, native grasses and trees and /or ornamental landscaping) should be grown and harvested in the land application areas to maximize nutrient crop uptake. In addition, we recommend the use of spray and drip irrigation in lieu of flood irrigation when applying treated effluent to land to ensure irrigation uniformity due to higher application rates and longer infiltration periods. Irrigation systems should be designed to distribute wastewater evenly across each field rather than to the bottom end of the field. Additionally, we encourage the use of earthen structures such as berms and tailwater systems to capture and recycle water for irrigation or return any runoff during land application operations back to the treatment facility for additional treatment.

A11-06

Groundwater quality and known impairments

Groundwater quality data available for municipal wells within one mile of the Twin Cities site (Alternatives A, B, and C) and Historic Rancheria site (Alternatives D and E) do not indicate any existing nitrate issues. The highest quality source water with the lowest salinity levels (whether it be local groundwater or City of Galt supplied water) should be considered when selecting a water supply for the final Project. Using higher quality supply water should help minimize potential salinity-related impacts to ground and surface waters. In addition, the design and operation of the tertiary wastewater treatment plant proposed in Alternatives A through E should incorporate efforts to minimize salinity to reduce potential salt loading to ground and surface waters.

A11-07

Surface water quality & known impairments

In accordance with the provisions of Section 303(d) of the federal Clean Water Act ("303(d) list"), the Cosumnes River is identified as impaired by sediment toxicity, invasive species, and *Escherichia coli*. Alternatives A through E of the proposed Project would increase impervious surface area, vehicle traffic, urban uses and landscaping, and post-construction storm water runoff and wastewater discharges to the Cosumnes River and its tributaries such as Laguna Creek would constitute a new source of pollutants to surface waters. Any wastewater and storm water discharges from the Twin Cities and Historic Rancheria sites may need to be considered by current and future total maximum daily load development efforts to address these impairments and any additional impairments identified by ongoing and future water quality assessments.

A11-08

The DEIS's *Grading and Drainage Feasibility Study* (Appendix J) indicates hydromodification mitigation parameters were selected using the State Water Board's Post-Construction Standards to offset the impacts of the development. Central Valley Water Board staff

A11-09

Mr. Rydzik

- 5 -

26 February 2016

encourages the implementation of storm water mitigation and treatment measures, such as those identified in the Sacramento County MS4 Permit and the *April 2009 Storm Water Quality Improvement Plan*, as well as in the *State Water Resources Control Board General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities*, to minimize the potential for storm water discharges from the Project site to cause or contribute to impairment of surface waters, including the Cosumnes River, Laguna Creek, and their tributaries. (See footnotes 2 and 3 for website links for the *Storm Water Quality Improvement Plan* and *General Permit*.)

A11-09
(cont.)

Finally, Central Valley Water Board staff recommends that the final Environmental Impact Statement clearly identify all surface waters that receive indirect as well as direct storm water discharges from the final Project site, and identify potential impacts and appropriate mitigation. For example, the *Grading and Drainage Feasibility Study* (Appendix J, pages 11 and 12) noted the following for Alternatives D and E at the Historic Rancheria Site:

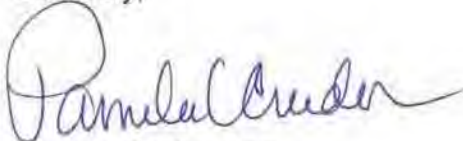
- (a) Existing conditions: Two existing stock ponds on the east side of the parcel drain southward into the double culverts to the east of the driveway, which "cross under Green Road and appear to drain into a channel running east to west along Green Road and to a channel on the property south of the site."
- (b) Post-construction: Storm water runoff would drain to a detention pond and then a drainage ditch along the southern edge of the property.

A11-10

However, the *Grading and Drainage Feasibility Study* does not include an offsite-drainage evaluation to identify whether the channel on the property south of the site and the drainage ditches along Green Road are waters of the United States or the state, or flow to waters of the United States or the state.

Thank you for considering our comments for this proposed Project. If you have any questions, please contact Michelle Wood at (916) 464-4650 or michelle.wood@waterboards.ca.gov.

Sincerely,



Pamela C. Creedon
Executive Officer

cc: State Clearinghouse
P.O. Box 3044
Sacramento, CA 95812-3044



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922

February 24, 2016

Regulatory Division SPK-2015-00486

Bureau of Indian Affairs
Pacific Regional Office
Attn: Mr. John Rydzik
2800 Cottage Way
Sacramento, CA 95825

Reg Dir _____
Dep RD Trust _____
Dep RD IS _____
Route Deerms - John
Response Required _____
Due Date _____
Memo _____ Ltr _____
Fax _____

Dear Mr. Rydzik:

We are responding to your request for comments on the Wilton Rancheria Fee-to-Trust and Casino project Draft Environmental Impact Statement (EIS), dated December 2015. The approximately 282-acre project site is located near the interchange of Twin Cities Road and State Highway 99, within the City of Galt Sphere of Influence area, Sacramento County, California.

The Corps of Engineers' jurisdiction within the study area is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States. Waters of the United States include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, vernal pools, marshes, wet meadows, and seeps. Project features that result in the discharge of dredged or fill material into waters of the United States will require Department of the Army authorization prior to starting work.

A12-01

To ascertain the extent of waters on the project site and/or sites considered as project site alternatives, the applicant should prepare a wetland delineation, in accordance with the "Minimum Standards for Acceptance of Preliminary Wetlands Delineations" and "Final Map and Drawing Standards for the South Pacific Division Regulatory Program" under "Jurisdiction" on our website at the address below, and submit it to this office for verification. A list of consultants that prepare wetland delineations and permit application documents is also available on our website at the same location. Our office has received a request for delineation verification for the 282-acre project site and is actively processing the request at this time.

A12-02

The range of alternatives considered for this project should include alternatives that avoid impacts to wetlands or other waters of the United States. Every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should

A12-03

be developed to compensate for the unavoidable losses resulting from project implementation.

Please refer to identification number SPK-2015-00486 in any correspondence concerning this project. If you have any questions, please contact me at U.S. Army Corps of Engineers, Regulatory Division, California Delta Branch, 1325 J Street, Room 1350, Sacramento, CA 95814-2922, by email at *Mary.R.Pakenham-Walsh@usace.army.mil*, or telephone at 916-557-7718. For more information regarding our program, please visit our website at *www.spk.usace.army.mil/Missions/Regulatory.aspx*.

Sincerely,



Mary R. Pakenham-Walsh
Senior Project Manager
California Delta Branch

cc:

Ms. Leana Rosetti, U.S. Environmental Protection Agency, Rosetti.Leana@epa.gov



Wilton Rancheria

9728 Kent Street
Elk Grove, CA 95624
Phone: (916) 683-6000 Fax: (916) 683-6015

Comment Letter A13

February 29, 2016

Amy Dutschke
Pacific Regional Director
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

Re: Comments Regarding Draft Environmental Impact Statement

Dear Ms. Dutschke:

Wilton Rancheria ("Tribe") appreciates this opportunity to comment on the Draft Environmental Impact Statement ("DEIS") for the Tribe's land-into-trust application. The Tribe has formally requested that the Bureau of Indian Affairs ("BIA") take into trust on behalf of the Tribe a 282-acre parcel of land in unincorporated Sacramento County, California, for purposes of development of a casino, hotel, and associated facilities.

As detailed within our land-into-trust application, the Tribe has a strong need for the proposed site to be taken into trust in order to improve the Tribe's economic conditions and promote its self-sufficiency. The Tribe's proposed gaming facility would improve economic conditions for both the Tribe and the local community through the creation of jobs for both tribal members and non-members. In addition, the gaming facility will provide a source of revenue to fund Wilton Rancheria's tribal government and social services.

For your convenience, the Tribe has included its comments by relevant section or appendix.

EXECUTIVE SUMMARY

ES.5 Summary Matrix

Table ES-1, General Comment: Please refer to the Tribe's comments on the Sections 1.0 through 5.0 of the DEIS and modify the appropriate portions of the Executive Summary in conformance with any changes made to these Sections.

A13-01

Table ES-1, Operational Vehicle and Area Emissions Mitigation Measure 9: To allow flexibility in obtaining GHG emission reduction credits, please add this sentence at the end of this mitigation measure:

A13-02

Comment Letter A13 cont.

As all or part of mitigation of GHG impacts associated with the Tribe's casino resort project, the Tribe may purchase carbon emissions reduction credits from the Climate Action Reserve, the Verified Carbon Standard, the American Carbon Registry, and/or an equivalent carbon emissions reduction credit trading market that has the same or more stringent standards for carbon sequestration projects which reduce atmospheric GHGs or reflect direct GHG emissions reductions achieved by existing GHG emitters.

A13-02
(cont.)

SECTION 1.0 - INTRODUCTION

Section 1.1 Introduction

Paragraph 4 on page 1-1 discusses the Indian Gaming Regulatory Act. In this case, the relevant exception to IGRA is the "restored lands exception," not the "initial lands exception."

A13-03

Section 1.2.3 Elk Grove Mall Site

The DEIS includes new language about distance from the Twin Cities Site to the Historic Rancheria property. Please add language regarding the Elk Grove Mall Site's distance from the Historic Rancheria.

A13-04

SECTION 2.0 - ALTERNATIVES

Section 2.4 Alternative C

To be consistent with the choice to include patron estimates in the discussions in Sections 2.2.5, 2.3.1, 2.6.1 and 2.7.1 for Alternatives A, B, E, and F, respectively, similar discussion of patron estimates should also be included in Section 2.4 for Alternative C.

A13-05

Section 2.5 Alternative D

To be consistent with the choice to include patron estimates in the discussions in Sections 2.2.1, 2.3.1, 2.6 and 2.7 for Alternatives A, B, E, and F, respectively, similar discussion of patron estimates should also be included in Section 2.5 for Alternative D.

A13-06

Section 2.9.6 Reduced Intensity and Retail on the Mall Site

The retail alternative for the Mall site was eliminated, in part, because it would be in direct competition with the retail outlet stores that the current owner of the Mall site plans to develop on its adjacent Promenade property.

A13-07

Section 2.10.2 Comparison of Environmental and Economic Consequences

Alternative D bullet, fourth sentence: This sentence reads: "Alternative D would provide the Tribe with a good opportunity for maintaining a long-term, sustainable revenue stream." The following would be more accurate: "Alternative D would provide the Tribe with a good opportunity for maintaining a long-term, sustainable revenue stream, but the revenue stream would be significantly lower than that associated with Alternative A."

A13-08

Alternative F Bullet: Please explain the meaning and significance of the first sentence in this bullet. Also, by way of update, it would be more accurate for the final sentence in this bullet to read: "The Tribe is in discussions with the current owner over the terms of an agreement to purchase the Mall site."

A13-09

SECTION 3.0 – AFFECTED ENVIRONMENT

Section 3.3 Water Resources

The reference to "Section 3.4, Biological Resources" should be to "Section 3.5, Biological Resources"

A13-10

Section 3.12 Hazardous Waste

Subsection 3.12.3 Existing Conditions, Twin Cities Site:

The last paragraph of this section refers to Appendix R, the Limited Phase II Sampling Plan. Appendix R indicates on page 7 that a Limited Phase II Environmental Site Assessment will be prepared after receipt and review of laboratory analytical reports. What is the status of this Limited Phase II report? If available, a completed Limited Phase II report should be included as an appendix in the Final EIS, and the results should be evaluated in the Final EIS.

A13-11

SECTION 4.0 – ENVIRONMENTAL CONSEQUENCES

Section 4.3 Water

With respect to Alternative F, page 4.10 Groundwater Supply refers the reader to Section 4.10 for an analysis of the associated impacts of a service agreement with the Sacramento County Water Agency. However, Section 4.10.6 on page 4.10-24 then indicates that impacts to water resources, including groundwater supply, are discussed in Section 4.3. Thus, the reader is unable to identify a discussion of impacts to groundwater supply at Alternative F.

A13-12

Section 4.8 Transportation

On page 4.8-10, data from Table 4.8-5 is incorrectly stated in the Trip Generation paragraph. There will be 15,993 new Saturday trips and 2055 new trips in the Saturday P.M. peak hour.

A13-13

SECTION 5.0 – MITIGATION MEASURES

Section 5.4 Air Quality

1. CEQ Reference Point vs. EPA Conformity Thresholds: Please limit all references in the EIS to “CEQ Reference Points or CEQ RPs” so those terms are only used in relation to GHG emissions. When referring to emissions of criteria air pollutants in a non-attainment or maintenance area in the context of a conformity determination, it is more accurate to use the term “EPA conformity thresholds” which is consistent with the EPA general conformity regulations that cover non-transportation projects. See 40 CFR 93.153(b)(1) and (2).

A13-14

2. Application of Substitution Effects Analysis Will Reduce Number of Customer Vehicles Modeled in the Conformity Determination and in the Calculation of GHG Emissions: The substitution analysis in the DEIS looks at the number of customers predicted to drive to the Tribe’s new casino, who—if that new casino weren’t available—would have driven instead to another tribal casino. See DEIS, Section 4.7, pages 4.7-6 and 4.7-7, and Appendix U (GMA July 2015 Economic Background and Competitive Effects Study). To be fair, calculations of the emissions of criteria pollutants or precursors (for conformity purposes) and of GHG emissions associated with each alternative project should have been modeled using only the emissions from those vehicles of new customers driving to the Tribe’s casino alternatives, and should have not include emissions from the vehicles of “substitution” customers. By including the vehicles of the substitution customers in the modeling for the conformity analysis and the modeling of vehicular GHG emissions meant that the Tribe may have to pay to mitigate for more vehicular emissions than can be fairly attributed to operation of the new casino. Appendix A to these comments provides further discussion of how application of the substitution effect analysis would reduce the number of tons of NO_x and ROG ERCs the Tribe might have to purchase under the conformity determination and reduce the number of metric tons CO₂-e of GHG reductions or offsets that the Tribe might have to purchase or otherwise provide.

A13-15

3. Inapplicability of Using “Indirect Emissions” of Criteria Air Pollutants from Vehicles in Conformity Determinations may make Conformity Determination for Alternative A or the Other Action Alternative Unnecessary: Emissions of criteria pollutants from customer vehicles associated with operation of the proposed casino (Alternative A) at the Twin Cities Site, or associated with any other action alternative, are not “indirect emissions” that BIA needs to account for in its conformity analysis because they are not emissions that BIA can practically control, nor are they emissions over which the agency has continuing program

A13-16

responsibility. See 40 CFR § 93.158(a) (describing the criteria for determining conformity of federal actions, stating that an agency must consider the “total of direct and indirect emissions from the action”) and 40 CFR § 93.152 (definition of “indirect emissions” for conformity purposes). Thus, if the total emissions of NOx and VOC associated with the operation of a proposed casino or retail mall, without counting emissions from customer vehicles, are below the applicable conformity threshold of 25 tons per year, then no conformity determination is required for the proposed casino or any of the action alternatives. A more detailed presentation of this argument is included as Appendix B to these comments.

A13-16
(cont.)

4. Emissions of Greenhouse Gases (GHG) from Customer and Employee Vehicles: To our knowledge, no Tribe in California or elsewhere in the U.S. has ever been directed by an agency implementing the federal NEPA process to purchase emission reduction credits, offsets, or allowances for the emissions of GHGs associated with the vehicles driven to a casino project by its customers and employees. If BIA concludes that the Tribe must offset these vehicular emissions, the following should apply:

a. In modeling GHG emissions associated with the action alternatives, “credit” should be calculated for the reductions of emissions from the implementation of California Assembly Bill 32 (AB 32) and other state and local measures that will reduce the greenhouse gas emissions associated with the project. For instance, beginning in January 2015, AB 32 required certain wholesale dealers of transportation fuels to offset the carbon emissions from the eventual incomplete combustion of those fuels in vehicles by have the dealer using its “allowances” and/or purchasing carbon offsets. To count all the GHG emissions from customer and employee vehicles during the operation of the casino would be to require the Tribe to offset emissions that have already been reduced by AB 32 and other state and local measures that address carbon emissions.

A13-17

b. Modeling of GHG emissions from customer and employee vehicles driving to the new Wilton Rancheria casino should take into account the number of “substitution” customers who are not new customers to the new casino, but are simply driving there instead of going to another tribal casino in the area. See discussion of substitution effects in general air quality comment No. 2 above.

Section 5.13 Aesthetics

Paragraph G, Page 5-32: The last sentence which begins “Use of earth tones” should probably be preceded by the number 2.

A13-18

Section 5.4.2 Operation and Climate Change, Mitigation Measure 5.4.2.C.9:

To allow flexibility in obtaining GHG emission reduction credits, please add this sentence at the end of this mitigation measure:

A13-19

As all or part of mitigation of GHG impacts associated with the Tribe's casino resort project, the Tribe may purchase carbon emissions reduction credits from the Climate Action Reserve, the Verified Carbon Standard, the American Carbon Registry, and/or an equivalent carbon emissions reduction credit trading market that has the same or more stringent standards for carbon sequestration projects which reduce atmospheric GHGs or reflect direct GHG emissions reductions achieved by existing GHG emitters.

A13-19
(cont.)

5.6 Cultural and Paleontological Resources

Subsection 5.6 A

1. The Tribe recommends preconstruction archaeological testing at locations where Tribe deems necessary with a Tribal representative present. The lead federal agency and CRM firm shall consult with the Tribe to develop a preconstruction archaeological testing plan.
2. The Tribe recommends preconstruction meeting with Tribal representative and construction crew and management for cultural awareness training (CAT).
3. The Tribe recommends development with lead agency and Tribe of a treatment and disposition plan for cultural resources. This plan shall touch on procedures for curation, treatment of cultural resources, and other items deemed necessary by the Tribe.
4. If cultural resources are encountered, there shall be a 100 feet buffer zone put into place.
5. No testing or destructive analysis of any cultural resources found unless agreed upon by the Tribe.
6. All finds shall be left in situ until agreed upon with Tribe to remove.
7. Any reports written by a professional archaeologist shall be at the discretion of the Tribe.

A13-20

Subsection 5.6 B

1. The Tribe recommends a 100 feet buffer if any paleontological resources are found.
2. The Tribe shall be contacted if any paleontological resources are found.
3. Paleontological resources shall be subject to determination of cultural significance by the Tribe.
4. If deemed culturally significant by Tribe, procedures shall be outlined in treatment and
5. No testing or destructive analysis of any paleontological resources found unless agreed upon by the Tribe.
6. Curation will be outlined in the treatment and disposition plan.

A13-21

Subsection 5.6 C

1. If remains are encountered and believed to be human an osteologist meeting the Secretary of Interior's standards shall be consulted to make the determination if the remains are human or not.
2. If human remains are encountered a 100 feet buffer zone shall be implemented.
3. If human remains are encountered and they are deemed to be Native American then Federal National NAGPRA shall take into effect not Most Likely Descendant (MLD). MLD is a state regulation for private or state owned lands.
4. The Tribe recommends a NAGPRA plan of action be put into place with the lead federal agency and the Tribe before any construction takes place.
5. If Native American remains are found then the Tribe along with the lead federal agency shall implement the treatment and disposition plan, and the NAGPRA plan of action, which will outline treatment of Native American human remains.

A13-22

Subsection 5.6 D

1. In the event that off-site traffic mitigation improvements are implemented then the Tribe shall be consulted on what is to be done, location of where it will be done, and what timelines are for any ground disturbing activities. This consultation will take place for protection and preservation of cultural resources that may be encountered.
2. The treatment and disposition plan shall be implemented for any encounters of off-site cultural resources due to the mitigation of this project.
3. Staging areas and any soils being brought in for use on the main project area or mitigation areas shall be in consultation with the Tribe, to make sure that cultural resources will not be impacted from these actions.

A13-23

APPENDIX I

We disagree with the wastewater production quantities shown in Appendix I, Table 2-1 and the Detailed Water Production Table, Alternative A. The Peak Flow Total is shown to be 308,000 GPD and Average Flow at 231,000 GPD. We believe this is an overly conservative estimate. We acknowledge the lack of a single standard to assist in calculating flow. See the attached revised calculations and notes. We believe a conservative, and perhaps more accurate Peak Flow would be 206,476 GPD and Average Flow of 154,859 GPD. See the attached comments. It is recommended that all negotiations regarding connections to offsite facilities be from actual ERU fixture counts and not by the theoretical calculations in the EIS or the Tribe's revised calculations in these comments.

A13-24

APPENDIX J

A very preliminary Grading and Drainage Study was performed for all the Alternatives. For Alt.-A, the study acknowledges that a detailed offsite hydrology and hydraulic study needs to be performed to accommodate flow from SR 99 to the

A13-25

site. It also states that study used elevation contours from Google Earth software to perform the onsite analysis. The on-site analysis states that approximately 640,000 cubic yards of fill, worst case scenario, will be required to satisfy drainage requirements. It also states that other engineering options such as a Stormwater pump station, or gravity drainage to the north to Laguna Creek could be used. We agree. We feel that a far more efficient design based on detailed topography, that makes use of perimeter bio-swales to convey runoff to the north would result in far less imported material and would enhance water quality.

A13-25
(cont.)

APPENDIX T

The Draft Conformity Determination in Appendix T is based on modeling using vehicle emissions factors derived from EMFAC2011 with the model CalEEMod. 2010. On December 14, 2015, EPA approved a newer vehicle emissions factors model, EMFAC2014.

See <https://www.federalregister.gov/articles/2015/12/14/2015-31307/official-release-of-emfac2014-motor-vehicle-emission-factor-model-for-use-in-the-state-of-california>.

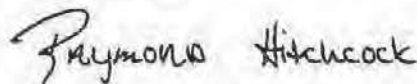
EPA established a "grace period" that allows EMFAC2011 to be used for conformity determinations such as this one until December 14, 2017. However, the EMFAC2014, which should reflect a newer cleaner fleet of vehicles with lower emissions factors, can be used before the end of the grace period. We understand that EMFAC2014 can only be used with the MOVES model rather than the CalEEMod. 2010 model.

A13-26

The Tribe requests that the BIA and its environmental consultant, AES, use the EMFAC2014 vehicle emissions factors and run the appropriate MOVES model to determine if the amounts of emissions of criteria pollutants of concern and of GHGs from vehicles associated with the proposed project would change. Then BIA is allowed to perform its conformity analysis with whichever model is most beneficial to the Tribe.

Thank you again for the opportunity to comment on the DEIS. Please do not hesitate to contact me if you have any questions regarding the Tribe's comments.

Sincerely,



Raymond C. Hitchcock
Chairperson

**Addendum A to Feb. 29, 2016 Wilton Rancheria Comments on DEIS
Further Discussion of Impact of Substitution Effects
on Emission of Criteria Pollutants and GHGs**

The studies of the substitution effects from the Tribe's proposed full scale casino at the Twin Cities Site (Alternative A) or its potential full scale casino at the Mall Site (Alternative F) are calculated as between 0.9 percent and 10.9 percent at each of other the tribal casino analyzed. See Table 4.7-5 in Section 4.7 of the DEIS based on the table entitled "Projected Substitution Effects Summary" at page 32 of Appendix U (GMA July 2015 Economic Background and Competitive Effects Study).

If the figures in Table 4.7-6 in the DEIS entitled "Projected Substitution Effects Summary - Gaming (Millions)"—which is based on the table entitled "Projected Substitution Effect Summary" on page 34 of Appendix U— are used as surrogates for the number of "substitution" customers from other tribal casinos who will drive their vehicles to the various Wilton Rancheria alternative casino projects in the DEIS, the percentages of such substitution customers driving to each of the alternative Wilton Rancheria casino projects are as follows:

Alt. A: 37.17%
Alt. B: 31.6%
Alt. D: 32.8%
Alt. E: 29.9%
Alt. F: 37.36%

To be fair, calculations of the emissions of criteria pollutants or precursors (for conformity purposes) and of GHG emissions should be modeled using only the emissions from those vehicles of *new* customers driving to the Tribe's casino alternatives, and not include the "substitution" customers. To include the substitution customers in the modeling includes more vehicular emissions than can be fairly attributed to each of the Tribe's new casino alternatives. Here's an example of how the calculation of the percentage of substitution customers would work for Alternative A using the figures from Table 4.7-6 in the DEIS:

\$364,640,928	Project Local Revenue
<u>-\$135,539,365</u>	Substitution Effect (Money/Customers from other tribal casinos)
\$229,101,563	New Market Growth

Alt. A Substitution Customer Percentage = $135,539,365 / 364,640,928 = 37.17\%$

If the modeling properly used inputs of customer vehicles that excluded substitution customers, 37.17 percent is approximately the percentage reduction of NOx and ROG criteria pollutant ERCs that the Tribe would be required to purchase as a result of the conformity determination (assuming a conformity determination is required—see argument below regarding the definition of "indirect emissions" in the general conformity context). Note that

A13-27

these numbers are only approximate because they ignore vehicular emissions from employee vehicles and the non-vehicular emissions associated with the operation of Alternative A.

Similarly, if the modeling of GHG emissions properly used inputs reflecting GHG emissions from customer vehicles that excluded vehicles of substitution customers, for Alternative A and the Tribe's other casino alternatives, the EIS would likely recommend that the Tribe offset fewer metric tons of the GHG emissions.

A13-27
(cont.)

**Addendum B to Feb. 29, 2016 Wilton Rancheria Comments on DEIS
 “Indirect Emissions” Argument of Wilton Rancheria
 That Conformity Determination May Not Be Needed**

Summary: Emissions of criteria pollutants from customer vehicles associated with the proposed casino (Alternate A) at the Twin Cities Site or associated with any other casino alternative, are not “indirect emissions” that BIA needs to account for in its conformity analysis because they are not emissions that BIA can practically control, nor are they emissions over which the agency has continuing program responsibility. Thus, if the total emissions of NO_x and VOC associated with the operation of a proposed casino, without counting emissions from customer vehicles, are below the applicable conformity threshold of 25 tons per year, then no conformity determination is required for the proposed casino.

A13-28

The Conformity Process: Section 176(c) of the Clean Air Act (“CAA”) requires federal agencies that provide financial support for, license, permit, or approve an action to demonstrate that the action if approved will conform to the applicable State Implementation Plan. 42 USC § 7506(c)(1) (2012). In particular, federal agencies must ensure that an action will not result in emissions beyond *de minimis* levels of any criteria pollutant for which the area of the action is designated as a nonattainment or maintenance area. 42 USC § 7506(c)(5). This is referred to as the conformity applicability analysis. The Environmental Protection Agency (“EPA”) regulations implementing the CAA general conformity program, 40 CFR §§ 93.150 - 93.165, provide that for a conformity applicability analysis an agency must determine (usually by modeling) the annual quantities of all direct and indirect emissions of criteria air pollutants from the action. 40 CFR § 93.158(a) (describing the criteria for determining conformity of federal actions, stating that an agency must consider the “total of direct and indirect emissions from the action”). The agency must then compare the quantities of each criteria pollutant emitted to its respective *de minimis* rate (which varies for each criteria pollutant) and with the severity of the nonattainment area or maintenance area applicable to the project. 40 CFR § 93.153(b). If the annual total direct and indirect emissions of a criteria pollutant equals or exceeds the applicable *de minimis* rate set out in the regulations, then a full conformity determination is required for that criteria pollutant, and all emissions from the criteria pollutant must be offset or mitigated so that there is no net increase in emissions.

“Direct Emissions” in the Conformity Process: “Direct emissions” are those emissions of a criteria pollutant or its precursors “that are caused or initiated by a federal action *and occur at the same time and place as the action*.” 40 CFR § 93.152 (emphasis added). Since vehicular emissions from customers of a proposed casino will not occur until after the casino is constructed and opened – which will be well after the Secretary of Interior in Washington, D.C. decides to take land for the casino project into trust and determines that the land is eligible for tribal gaming – these emissions will not “occur at the same time and place as the action” and thus are not direct emissions.

“Indirect Emissions” in the Conformity Process: Indirect emissions are not merely emissions incidental to an action; for the purposes of a conformity determination, “indirect emissions” are only those:

- (1) That are caused or initiated by the Federal action and originate in the same nonattainment or maintenance area but occur at a different time or place as the action;
- (2) That are reasonably foreseeable;
- (3) That the agency can practically control; and
- (4) For which the agency has continuing program responsibility.

40 CFR, § 93.152 (definition of “indirect emissions”). Thus, it is not enough that a federal action is the catalyst for subsequent incidental indirect emissions. Instead, the regulatory definition requires federal agencies to maintain control over any indirect emissions resulting from an action and have continuing program responsibility for the emissions. Otherwise, the emissions do not have to be included in a conformity analysis.

Applying the “indirect emissions” definition: Key to identifying whether indirect emissions should be considered in a conformity analysis are elements (3) and (4) of the regulatory definition: an agency must have the capability to “practically control” emissions and maintain “continuing program responsibility” for the activity or project being approved. 40 CFR § 93.152. As EPA stated when it first promulgated the General Conformity Regulations in 1993, Congress did not intend for the conformity analysis to apply to “cases where, although licensing or approving action is a required initial step for a subsequent activity that causes emissions, the agency has no control over that subsequent activity, either because there is no continuing program responsibility or ability to practically control.” 58 Fed. Reg. 63214, 63221 (Nov. 30, 1993); *see also* 75 Fed. Reg. 17254, 17260 (where in the preamble to the 2010 revisions to the general conformity regulations, EPA cites to this language from the preamble to original 1993 general conformity regulations).

Courts and agencies that have addressed the meaning of “indirect emissions” in the context of the general conformity regulations have generally found that agencies do not have control over or program responsibility for air emissions that occur from vehicles associated with the operations of a government-approved project or facility.

In *Dep’t of Transp. v. Pub. Citizen*, 541 U.S. 752 (2004), the Supreme Court emphasized the importance of agency control in order for emissions to meet the regulatory definition of “indirect emissions” for a conformity determination. There, the Federal Motor Carrier Safety Administration (“FMCSA”) within the U.S. Department of Transportation (“DOT”) began registering Mexican commercial trucks after President George W. Bush lifted a moratorium on such registration. *Id.* at 762. Public Citizen challenged the agency action as being in violation of the CAA conformity requirement because it would lead to increased vehicle emissions once the Mexican trucks entered the U.S.—a fact the FMCSA had failed to consider in a conformity analysis. *Id.* However, the Court rejected Public Citizen’s argument, stating that the “FMCSA cannot practicably control, nor will it maintain control, over these emissions,” nor could it “control the routes the carriers take, and cannot determine what the trucks will emit.” *Id.* at 772–

73. As a result, even though the agency action was the “but-for” cause of emissions increases, without continuing agency control over the emissions, they were not “indirect emissions” under the conformity regulations, and therefore the FMCSA did not violate the CAA by failing to perform a conformity determination. *Id.* at 773.

Consistent with this Supreme Court decision, when the FMCSA recently proposed safety rules that would result in foreseeable emissions from idling commercial motor vehicles, it determined that any increase in emissions did not meet the regulatory criteria for “indirect emissions” because controlling commercial motor emissions was beyond the statutory authority of the agency. 79 Fed. Reg. 17656, 17685 (Mar. 28, 2014). As a result, the FMCSA decided that it did not have to perform a general conformity analysis. *Id.*

Related to control over emissions is the requirement that agencies exercise continuing program responsibility over any emissions caused by a project—otherwise, the emissions need not be considered in a conformity analysis. Nothing in the CAA nor in EPA’s general conformity regulations “requires that a Federal agency attempt to ‘leverage’ its legal authority to influence or control nonfederal activities that it cannot practicably control, or that are not subject to a continuing program responsibility, or that lie outside the agency’s legal authority.” 58 Fed. Reg. 63214, 63221. Thus, when the Federal Energy Regulatory Commission (“FERC”) permitted a pipeline project, it did not have to complete a conformity review regarding emissions caused by end-users burning the transported gas. *S. Coast Air Quality Mgmt. Dist. v. F.E.R.C.*, 621 F.3d 1085, 1100 (9th Cir. 2010). Because the gas quality standards were set by a state regulatory agency, and the state agency exercised continuing control over the quality of gas in the pipeline, the Ninth Circuit determined that exercising continuing control over the project was beyond FERC’s legal authority. *Id.* at 1100–01. As a result, FERC’s failure to file a conformity determination was not a violation of the CAA. *Id.*

In the preamble to EPA’s initial 1993 general conformity regulations, the agency provided an excellent example of which indirect emissions are within an agency’s control or continuing responsibility:

Where a [U.S. Army Corps of Engineers (“COE”)] permit is needed to fill a wetland so that a shopping center can be built on the fill, generally speaking, the COE could not practicably maintain control over and would not have a continuing program responsibility to control indirect emissions from subsequent construction, operation, or use of that shopping center. Therefore, only those emissions from the equipment and motor vehicles used in the filling operation, support equipment, and emissions from movement of the fill material itself would be included in the analysis. 58 Fed. Reg. 63214, 63223.

Thus, in preparing a conformity determination for a construction project that requires an agency permit or license as an initial matter, resulting traffic from later use of the site does not produce “indirect emissions” under the EPA general conformity regulations unless the agency has the authority to control or regulate those emissions. Where, as with the COE, an agency has

no authority to regulate vehicle emissions or control vehicle traffic traveling to or from a facility, vehicle emissions from end-users need not be considered in a conformity analysis.

Applicability of this Analysis to Proposed Casino Project: The above examples indicate that an agency does not need to consider all emissions indirectly caused by a federal action, but only those over which it can exercise continuing control. In some cases, however, if the approval allows the construction of a building or other project, then the vehicle and equipment emissions associated with the construction of the building may arguably be included in the conformity analysis. However, in the case of vehicle emissions during the operations of a building or project such as a tribal casino, an agency must have (a) the ability to control vehicles of customers, workers and other coming to or from the approved, permitted, or licensed facility, or (b) the authority to actually set vehicle emissions standards. Although the BIA may approve the taking of land into trust for a casino project, because BIA has neither the ability to control casino traffic or operations, nor any environmental regulatory authority over air emissions, the emissions from vehicles of customers, workers, or others driving to a casino are not "indirect emissions" under the EPA general conformity regulations. Though these emissions may constitute indirect *effects* under NEPA, this fact in no way requires them to be analyzed as "indirect emissions" in a conformity determination.

A13-29

Detailed Wastewater Production Table

Alternate – A, Revised Calculations Notes

(a) Casino Slot Machines/Tables

It is acknowledged that it is difficult to assign a use frequency and GPD to gaming positions. The Summit Engineering analysis used (15) uses for each of the 2,520 gaming positions at (3) gallons per use. Using the reasonable assumption of (3) uses per guest, this would equate to 12,600 guests. The Traffic Study prepared by Kimley Horn for the EIS is based on about 12,000 guests and 1,860 employees on a peak day (Saturday). The water use for many of those guests has been accounted for in other ways, for example guests in hotel rooms. See the attached Gaming Customer Count Reconciliation with Traffic Study spreadsheet where guests otherwise accounted for are removed from the Casino usage. Using the 12,600 guests for Casino and the other 5,941 guests accounted for, we have 18,541 guests impacting wastewater, or about 1/3 more than visited the facility on a peak day.

Guest habits vary. Not every hotel or restaurant guest also visits the casino, and not every casino guest will stay overnight. There are also guests that will make use of all the facilities, but it is not possible to have maximum impact at the hotel, at the F&B outlets and at the casino by any guest on the same day. Some diversity must be applied. Here the diversity is applied at the category of least impact per guest. We estimate guests not otherwise accounted for at 6,059, with a Peak Flow at about 54,000 GPD.

Another reasonable method to determine diversity among Slot Machines and Table guest count is to look at the anticipated occupancy factor for gaming positions based on shift. As much as we would like for every gaming position to be occupied for every shift, the reality is that there will be more activity in the evening than very early morning hours or Graveyard Shift. It is certain that the Socio-Economic impacts presented in the EIS were based on a similar level of service and not every position filled at every hour of the day. See the attached Gaming Position Diversity. In this case we assume 60% of positions filled on Day Shift, 85% on Evening, and 30% on Graveyard, which is in keeping with a healthy peak day operation. This diversity results in very near the same as above at about 55,800 GPD.

A13-30

(b) Casino FOH – No notes, accepted as calculated.

A13-31

(c) Food and Beverage

Usage for Food service venues references the use of North Carolina Office of Administration Hearings section 15 NCAC 02T.0114 and the Uniform Plumbing Code. The North Carolina (NC) Code states *"Wastewater flow calculations must take hours of operation and anticipated maximum occupancies/usage into account when calculating peak flows for design."* The NC code assigns 40 gallons per seat for a full service restaurant. The study in the EIS uses (3) turns at 18 gallons per turn for a total of 54 gallons per seat. It is not known why the higher value per seat was used. We are assuming 15 gallons per turn, which is still more conservative than the NC Standard.

A13-32

In the case of this project, there are a variety of food venues to serve the guests needs. Not all are open for full service (three meals a day) by nature of their food offerings. A Steakhouse for example, would not be open for breakfast and lunch, but the Café would be. See the attached Food and Beverage Shift Diversity spreadsheet that identifies the anticipated operating shifts of each food venue. The weighted average of use frequency is 2.414. The result is a Peak Flow of 40,200 GPD when hours of operation are factored into the equation.

When we look at the Food Venues with maximum occupancy in mind, we have to factor in seating diversity. It is not practical to assume that every seat in a restaurant will be filled during the hours that typically bracket each meal time. Parties of two take up a table for four, parties of six take up two tables for four, etc. It can also be assumed that some meals are more popular than others. For example, hotel guests may take advantage of breakfast, but there will be less guests that drive to the facility for breakfast. Dinner is by far the most popular meal on a Peak Day, and Graveyard shift has the least number of dinning guests. See the attached Food and Beverage Seating and Shift Diversity spreadsheet. A very conservative estimate is for 70% of the seats to be filled for breakfast and lunch, 85% for dinner and 40% for graveyard shift. In all likelihood it will be much less. By this approach, the Peak Daily Flow would be 26,048 GPD.

We are using the more conservative 40,200 GPD taking into account hours of operation only.

A13-32
(cont.)

(d) Convention Center

The number of seats for the Convention Center was assumed to be 5,000. We have prepared a seating diagram that takes into account internal egress, bars within the room and space required for production equipment and queuing. The result is net seating for 2,280. To be conservative, we have increased that number to 3,000 for the purpose of these calculations. See the attached Seating Diagram.

A13-33

(e) Hotel Rooms

The Summit EIS study allots 200 GPD for hotel rooms based on a "*casino wastewater treatment plant operator's prior experience*". The NC standard allots 120 GPD for a Hotel Room without in-room cooking facilities. It allots 200 GPD for Resort Hotels, which presumably takes into account other services such as spa and fitness rooms that this study calculates separately. The NC standard also allows for 120 GPD per dwelling unit based on a two person occupancy, and an increase of 60 GPD per additional occupant. That would equate to 120 GPD for a King room and 240 GPD for a Queen/Queen room.

A13-34

This is a very intuitive allotment. That would be equivalent to a use frequency of 4 for the toilet and lavatory and a 30 minute shower for each occupant.

See the attached Room Type Diversity spreadsheet. There are more King rooms and Suites than there are Queen/Queen rooms. Based on 100% occupancy, with two people in every King room and Suite, and four people in every Queen/Queen room, a condition that is highly unlikely to ever occur, the Peak Day Flow would be 51,360.

(f) Employees

The employee count is estimated at 1,860. The Wastewater Production Table indicates this as 800 employees for each shift, or 2,400 total employees. The calculation has been corrected to align with the anticipated count at 620 per shift.

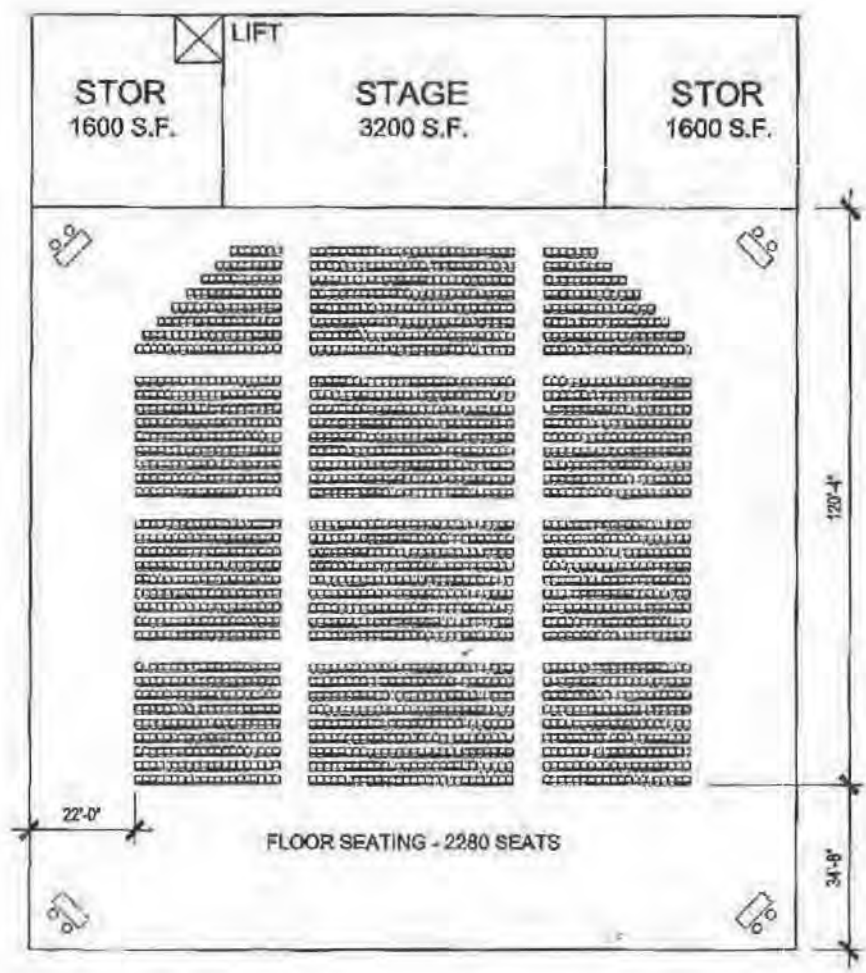
A13-35

Comment Letter A13 cont.

Peak Day (Saturday) Gaming Position Diversity					
Position	# of Units	Shift	Occupancy Factor	Occupants	Use Frequency
Slot Machines	2000	Day (7:00am - 3:00pm)	0.6	1,200	4
	2000	Evening (3:00pm - 11:00pm)	0.85	1,700	4
	2000	Grave (11:00pm - 7:00am)	0.3	600	4
Totals					
Table Games	520	Day (7:00am - 3:00pm)	0.6	312	4
(104 tables x 5)	520	Evening (3:00pm - 11:00pm)	0.85	442	4
	520	Grave (11:00pm - 7:00am)	0.3	156	4
Totals					

Comment Letter A13 cont.

GPD/Unit	Peak Flow	Average Daily Flow	
3	14,400	10,800	
3	20,400	15,300	
3	7,200	5,400	
	42,000	31,500	
3.8	4,742	3,557	
3.8	6,718	5,039	
3.8	2,371	1,778	
	13,832	10,374	
Flow Totals	55,832	41,874	





February 26, 2016

Amy Dutschke, Pacific Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Reg Dir ald ✓
Dep RD Trust ✓
Dep RD IS ✓
Route Decems
Response Required ✓
Due Date ✓
Memo Ltr
Fax ✓

Re: DEIS Comments

The Shingle Springs Band of Miwok Indians ("Tribe") submits this comment in response to the Draft Environmental Impact Study (DEIS) for the Wilton Rancheria Fee-to-Trust and Casino Project ("Project"). Specifically, this comment will address the Tribe's preference for the historical Rancheria site, transportation, and annexation.

Support for Historical Rancheria

The Tribe supports Alternatives D and E for the Project. These Alternatives are ideal because they are located on the historical Wilton Rancheria. All other alternatives are located at least 10 miles from Wilton's historical Rancheria. Therefore, any gaming activities on those sites would constitute off-reservation gaming.

It is important for the legitimacy of Indian gaming that all tribes be treated similarly. Because other tribes have not been allowed to operate off-reservation gaming activities, it would be unfair for the Wilton Rancheria Project to be approved on any of the off-reservation Alternatives. On November 4, 2014, the voters of California resoundingly voted against off-reservation gaming when they defeated Proposition 48. Proposition 48 would have ratified the North Fork Rancheria's compact, which would've allowed that tribe to acquire land in Madera County, approximately 38 miles from that tribe's reservation, and to build a casino and hotel on it. 60% of voters said no to allowing North Fork Rancheria's compact. If the North Fork Rancheria was not allowed to engage in off-reservation gaming, neither should Wilton Rancheria.

Putting land from Galt or Elk Grove into trust for the purpose of gaming activities amounts to reservation shopping. Every tribe desires to have their gaming facility near a large population center. However, they've been restrained by being required to having their facilities on their original Rancherias. If Wilton Rancheria is allowed to engage in reservation shopping for off-reservation gaming, then every Tribe should be allowed to do so.

It might be argued that Wilton Rancheria does not possess their original Rancheria, which is true. However, the site of the historical Rancheria is adjacent to and shares 4 acres with the original Rancheria and is available. This land certainly has more connections to the Tribe than the Alternatives located 10 miles away.

Transportation

The Tribe supports the Alternatives D and E located at the Historical Rancheria because it appears to impact traffic/freeways less than any of the other Alternatives. If either the Twin Cities or Elk Grove Mall sites are chosen, it will require extensive changes to the roads and freeways surrounding those sites. Those sites are located off major freeways and near populous areas. Therefore, construction on any of the surrounding roads will have a greater impact on traffic than construction near the historical Rancheria would. Furthermore, placing a casino off of a freeway, as the Twin Cities and Elk Grove mall sites propose, will create increased loads and congestion to the roads of an already populous area. Comparing all the Alternatives, increased loads and congestion at the remote historical Rancheria would impact fewer people than at the populous Elk Grove and freeway adjacent Twin Cities sites would.

Specifically, Kammerer Road, located at the Elk Grove site, is already a dangerous two-lane road. Increasing loads and congestion will cause a significant impact by making it even more dangerous. Twin Cities Road, located at the Twin Cities site, is also a two-lane road that intersects with a train track. Increasing traffic to a road that is often slowed down by train crossings will cause a significant impact.

There are also additional concerns for public safety when a casino is placed near a major freeway. The potential for drunk driving on heavily used roads is greater at the Twin Cities and Elk Grove mall sites because of their proximity to freeways. Because the historical Rancheria is more remote it provides an incentive for intoxicated individuals to remain at the Casino/Hotel rather driving on roads/freeways.

The Tribe basis its opinion on the information below, which is reported in the DEIS.

Twin Cities Site

As stated in the DEIS, with the addition of Alternative A traffic, four intersections (West Stockton Boulevard/Twin Cities Road, East Stockton Boulevard/Twin Cities Road, West Stockton Boulevard/Hwy 99 SB Ramps, Grant line Road/East Stockton Boulevard) are projected to operate an a unacceptable levels of service. Alternative A would create considerable amount of additional traffic to the Twin Cities roundabouts, which would contribute to the congested conditions at these locations. With the addition of Alternative A, Highway 99 SB between Mingo Road and Arno Road would operate an unacceptable level of service. With the addition of Alternative A, four freeway ramps (Hwy 99 SB Off-Ramp at Twin Cities Road, Hwy 99 SB Off-Ramp at Mingo Road, Hwy 99 SB On-Ramp at Mingo Road, 99 NB On-Ramp at Mingo Road) would operate at an unacceptable level of service. The increase in traffic generated by Alternative A would contribute to unacceptable traffic operations at a number of locations. Alternative

A14-02

A is anticipated to add up to 2,700 vehicle trips per day to East Stockton Boulevard between Mingo Road and Twin Cities Road, where exiting daily traffic volumes are very low. Because the existing pavement condition is very poor, in its current condition, this road would not support traffic generated by Alternative A.

Elk Grove Mall Site

As stated in the DEIS, with the addition of Alternative F traffic, two intersections would operate at an unacceptable level of service (Promenade Parkway/Bilby Road, Grant Line Road/East Stockton Boulevard). With the addition of Alternative F traffic, five roadway segments (Fermoy Way to Marengo Road, Waterman Road to Bradshaw Road, Bradshaw Road to Wilton Road, Wilton Road to Calvin Road, Calvin Road to Jackson Road) are projected to operate at an unacceptable level of service. Alternative F would not cause any freeway mainline segments to operate at an unacceptable level of service. Alternative F traffic will cause three freeway ramps to operate at unacceptable levels of service (Hwy 99 SB Off-Ramp at Twin Cities Road, Hwy 99 SB On-Ramp at Mingo Road, Hwy 99 NB On-Ramp at Mingo Road). Alternative F is anticipated to add up to 1,500 trips per day to Kammerer Road, which would need widening and shoulders added to be able to support traffic generated by Alternative F.

Historical Rancheria Site

Alternative D will cause seven roadways (Grant Line Road/East Stockton Boulevard, Grant Line Road/Bond Road, Wilton Road/Green Road, Grant Line Road/Wilton Road, Wilton Road/Consumnes Road, Green Road/Project Driveway 1, Green Road/Project Driveway 2) to operate at an unacceptable levels. However no freeway mainlines will operate at an unacceptable level of service. Alternative D traffic would result in three offramps operating at an unacceptable level (Hwy 99 SB Off-Ramp at Twin Cities Road, Hwy 99 SB On-Ramp at Mingo Road, Hwy 99 NB On-Ramp at Mingo Road). Alternative D would add to the background congestion of the freeway mainline and ramps. Alternative D is anticipated to add up to 3,000 -3,100 trips per day to the certain roads. The roads' conditions range from very poor to fair. Therefore, roadways would need improvement to support traffic generated by Alternative D.

As shown from the DEIS excerpts above, Alternative D at the Historical Rancheria will not impact specific freeway mainlines to the extent the Twin Cities site will. Nor is it projected that Alternative D will impact freeway ramps to the level of the Twin Cities site. Finally, Alternative D is not projected to impact intersections like the Twin Cities and Elk Grove sites will. Alternative D will impact more roadways and create a higher percentage increase of trips per day. All of the Alternatives will have significant impacts on traffic if not mitigated. However, it appears that overall Alternative D will have the least amount of impact on traffic. Therefore, the Tribe supports placing the project at Wilton's Historical Rancheria.

A14-03

Annexation

The City of Galt is reported to be moving towards annexing the Twin Cities site. If this were to occur, the loss of property tax revenue on the City will be different than what has been estimated in the DEIS. As such, the DEIS should be updated to address the impact on the City of Galt if the site is annexed. This would give all parties involved a better understanding of the impact of the Twin Cities site.

A14-04

Furthermore, the Tribe supports a 30 day extension to the comment period as requested by the City of Galt's attorney, Alexandra Barnhill. Ms. Barnhill claims that because of the City's small staff it has been difficult to review the DEIS in time. It is reasonable to extend more time to the City. If the BIA is going to work to address the concerns of the City of Galt and its residents, the City should be given ample opportunity to voice its concerns.

A14-05

Addressing both of these issues will help create goodwill between the Wilton Rancheria and residents of Galt.

Conclusion

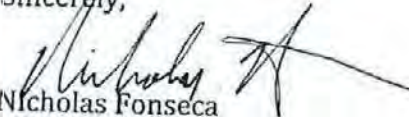
The Tribe believes that Wilton's historical Rancheria is the ideal site for any future project. Placing a casino on the historical Rancheria would be consistent with not allowing tribes to reservation shop for the purpose of off-reservation gaming. Also, placing the project on the historical Rancheria appears to have the smallest impact on traffic.

A14-06

The Shingle Springs Band of Miwok Indians appreciates the opportunity to comment on this Project, and the work that the BIA performs to assist Tribe's in acquiring trust land.

If you have any questions please contact the Tribe's Attorney General, AmyAnn Taylor, at (530) 387-4194.

Sincerely,


Nicholas Fonseca
Chairman

**Department of
Community Development**



Comment Letter A15

Divisions

Administrative Services
Building Permits & Inspection
Code Enforcement
County Engineering
Economic Development & Marketing
Planning & Environmental Review

March 10, 2016

Bureau of Indian Affairs, Pacific Region
Attn: Chad Broussard
2800 Cottage Way, Room W2820
Sacramento, CA 95825

Via E-mail Only
chad.broussard@bia.gov

Subject: Sacramento County Comments on the Draft EIS/TPED for the Wilton Rancheria Fee-to-Trust and Casino Project

Dear Mr. Broussard:

Thank you for including Sacramento County (County) as a Cooperating Agency in the federal process that is considering taking land into trust for the Wilton Rancheria (Tribe). This process also contemplates the Tribe locating a casino/resort at several potential locations in the County. At this time, the County does not have a position regarding the above actions; however, in recognition of the Tribe's status as a sovereign government, County staff has been working collaboratively with the Tribe to address County needs and the mitigation necessary should the action be successful.

A15-01

County staff has reached a tentative, mutually acceptable framework for a memorandum of understanding (MOU) with the Tribe addressing mitigation of impacts to Sacramento County. The MOU, once finalized, will undergo public review and will not be binding unless and until approved by the County Board of Supervisors at a public hearing. The County and Tribe have invested substantial time and resources over the last year in building the foundation of a respectful and cooperative relationship that we expect to rely upon in the future.

A15-02

In addition to addressing mitigation required by the Draft EIS, the MOU framework also provides for mitigation of local impacts not recognized by the federal process. The Draft EIS is also labeled as a Tribal Project Environmental Document (TPED). From the County's perspective, the TPED needs to apply California and local standards of significance in its determination of impacts and mitigation. The BIA in preparation of the Draft EIS/TPED did not apply California or local standards; however, the County is satisfied that the MOU framework will adequately address our local concerns. The MOU framework also provides for County service and/or program enhancements beyond those identified as requiring mitigation in the Draft EIS.

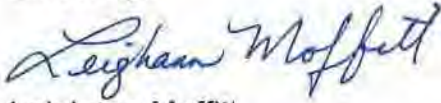
The County understands that the Elk Grove alternative site may have merit as a potential location for the project. The MOU framework addresses the County's needs regardless of whether the Mingo Road site or Elk Grove site is ultimately selected.

A15-03

Comment Letter A15 cont.

If you have any questions or concerns please contact John Lundgren at lundgrenj@saccounty.net or (916) 874-8043.

Sincerely,



Leighann Moffitt
Planning Director

cc: Sacramento County Board of Supervisors
Navdeep S. Gill, Interim County Executive
Rob Leonard, Chief Deputy County Executive
Britt Ferguson, Sacramento County Chief Financial Officer
Michael Penrose, Director SacDOT, Interim Director Dept. of Community Dev.
Robyn Drivon, Sacramento County Counsel
Krista Whitman, Assistant County Counsel
John Lundgren, Senior Planner
Raymond Hitchcock, Wilton Rancheria Tribal Chairman
Rose Weckenmann, Wilton Rancheria Tribal Attorney
John Schultz, Wilton Rancheria NEPA Counsel

Office of the City Manager



VIA CERTIFIED MAIL AND E-MAIL

March 10, 2016

Bureau of Indian Affairs, Pacific Regional Office

Attn: John Rydzik

2800 Cottage Way, Room W2820

Sacramento, CA 95825

Email – john.rydzik@bia.gov

Re: Wilton Rancheria Fee-to-Trust & Casino Project DEIS Comments from the City of Galt

Dear Mr. Rydzik:

Thank you for providing the City of Galt (City) with a copy of the Draft Environmental Impact Statement (DEIS) for the Wilton Rancheria Fee-to-Trust and Casino Project (Project). City staff and our consultants have reviewed the document and present the following comments for consideration.¹ We appreciate the extension of the deadline for providing comments; the additional time enabled us to provide more comprehensive comments. As this letter demonstrates, we are concerned about the adequacy of the DEIS. We look forward to coordinating and collaborating with the Bureau of Indian Affairs (BIA) and the Wilton Rancheria Tribe (Tribe) to share our localized expertise to make this a more defensible document before a final EIS is prepared.

INTRODUCTION

While the City looks forward to serious consideration of all of its comments, the following comments are of utmost concern to the City:

- There is no substantive basis for the characterization that the analysis in the DEIS meets the requirements of a Tribal Environmental Impact Report (TEIR) and Tribal Project Environmental Document (TPED), which have a broader scope, different thresholds of significance, and more stringent analysis and mitigation of impacts.

A16-01

¹ Please note that comments that staff previously made on the Administrative DEIS (ADEIS) for the Project which either were not addressed adequately, or at all, have been reiterated herein. We believe this is inconsistent with the requirements of 40 CFR 1501.6(a), which requires the BIA as lead agency to use the environmental analysis and proposals of cooperating agencies to the maximum extent possible consistent with its responsibility as lead agency. We expect the BIA will bear this in mind as it prepares the final EIS (FEIS). In addition, we expect that the BIA will follow the requirements in the President's Council on Environmental Quality (CEQ) NEPA Regulations, 40 CFR Part 1500, when responding to comments. The CEQ Regulations generally recommend that comments be addressed if they are: "1) Substantive and relate to inadequacies or inaccuracies in the analysis or methodologies used; 2) Identify new impacts or recommend reasonable new alternatives or mitigation measures; 3) Involve substantive disagreements on interpretations of significance and scientific or technical conclusions."

Comment Letter A16 cont.

- The DEIS fails to acknowledge that the entirety of the Twin Cities Site will be incorporated into the City's boundaries and zoned for commercial development as soon as the winter of 2016 and is likely to be developed in the near term, absent the land being taken into trust. This inaccuracy skews the analysis throughout the document as the No Action Alternative assumes, without factual basis, development would only occur in the longer term. This is contradicted by the commercial demand data used to support Alternative C as well as evidence the City sets forth herein. The BIA should defer to the City with respect to the foreseeability of development and revise the analysis accordingly in order to adequately inform the public of the environmental impacts of the alternatives. A16-02
- Under 25 CFR 151, when considering whether to take land into trust, the Secretary must consider the need for the land, the proposed use and the impact of the land's removal from state and local tax rolls, the jurisdictional problems and land use conflicts that may arise, and environmental compliance, among other things. There is no evidence that the 206-acre portion of the Twin Cities Site that will not be developed must be taken into trust to meet the Tribe's purpose and needs. In fact there is no evidence that the Tribe has any intent to utilize this land whatsoever, even in its current agricultural state. Nor does the DEIS analyze the environmental impacts of continued agricultural operations (or more likely commercial development as is acknowledged by the DEIS) on the Site. The City has slated this property for commercial, office and industrial use, so taking it into trust unnecessarily represents a significant fiscal cost and impairment to land use planning. These factors are relevant to both the environmental analysis and the application as a whole. We believe the Twin Cities Site should be redefined as including only the 76 acres slated for development as doing so would meet the needs of the Tribe while not depriving the City of vital tax and other revenue and the ability to regulate development in this small community. A16-03
- The analysis of the service options for water and wastewater are incomplete and internally inconsistent, the conclusions about the level of significance of the impacts are not supported by the evidence, and the mitigation measures are inadequate to minimize the environmental effects or ensure that the Tribe pays its fair share of the costs associated with the service options. A16-04
- The socioeconomic analysis regarding the impact of the casino alternatives on crime is based upon inconsistent statements, unsupported conclusions, and a methodology that does not conform to generally-established social science research principles. The data, analysis and conclusions regarding the impact of a casino on crime and local law enforcement are unreliable and unsubstantiated and should be revised. A16-05
- The economic impact statement and analysis is seriously flawed in that it fails to quantify non-casino substitution effects, overstates operational revenues and tax revenues, fails to disaggregate fiscal impacts, and references only gross fiscal effects instead of net figures (*i.e.* figures adjusted for any offsetting revenue losses). Thus, the conclusions that the Project costs on the City and surrounding communities would be fully offset by increases in economic activity are unsupported and require revision. A16-06

We anticipate that the BIA will give special consideration to these concerns, given its duty to give deference to state and local governments' concerns regarding jurisdictional problems, potential conflicts of land use, and the removal of the land from the tax rolls.² The City also has concerns other than those listed in this letter, but

² See *e.g.*, Section 151.11 of 25 C.F.R. Part 151, requiring greater weight to be given to state and local concerns regarding the trust acquisition's potential impacts on regulatory jurisdiction, real property taxes and special assessments. See also, Dept. of Interior "Guidance on taking off-reservation land into trust for gaming purposes" available online at:

believes that these concerns are better addressed via a meeting of the BIA, City and the Tribe, as is provided for under 40 CFR 1501.6(a)(3).

COMMENTS

EXECUTIVE SUMMARY

- **ES.1 Introduction** – The document purports to not only satisfy the requirements of the National Environmental Policy Act (NEPA) but also the requirements of a TEIR and TPED.³ The analysis in the DEIS is inadequate to meet the standards of either a TEIR or TPED for the reasons discussed in the following paragraphs.

As the DEIS anticipates, a condition of awarding a Tribal-State Compact, the State of California (State) will require the Tribe to prepare a comprehensive TEIR analyzing the potentially significant off-reservation environmental impacts of the Project.⁴ The Tribe must prepare, certify and make this TEIR available to affected local governments prior to entering into an intergovernmental agreement to mitigate Project impacts.⁵ One component of a TEIR is an Off-Reservation Environmental Impact Analysis Checklist (Checklist).⁶ The BIA included a Checklist in **Appendix G**, to allegedly demonstrate that the DEIS addresses specific TEIR issue areas. Notably, though, not a single box across the nine-page Checklist was marked. Nor could it have been, based on the information included in the DEIS. Completing the Checklist requires a CEQA-level of analysis of the project's impacts *beyond* the boundaries of the site.⁷ The analysis in this DEIS is limited to a NEPA-level analysis of the Project's onsite impacts.

The BIA left the Checklist blank and merely included internal cross-references to the NEPA document, for certain - but not all - Project alternatives. In some cases a conclusory statement was also added that no impacts would occur, without any factual support. Cross-referencing a NEPA analysis is insufficient to satisfy the requirements of a TEIR, which has a broader scope, different thresholds of significance, and more stringent analysis and mitigation of impacts. For example, a TEIR must evaluate additional types of impacts and implement all feasible mitigation measures, as can be seen in Attachment 1 to this letter.⁸ A TEIR also must evaluate impacts against specific thresholds of significance.⁹ The DEIS does

A16-07

<http://www.indianaffairs.gov/cs/groups/public/documents/text/idc-001896.pdf>, indicating these considerations are relevant regardless of the distance between the reservation and the casino.

³ See DEIS pages ES-1, 1-13.

⁴ See e.g., Sec. 11.8.1 of the Tribal-State Compact Between the State of California and the Federated Indians of Graton Rancheria (Graton Compact), available online at https://www.gov.ca.gov/docs/Graton_Compact_executed.pdf. Note that compact terms and conditions in the state of California are formulaic. Therefore, for the same reasons it is reasonable for the BIA to presume the Checklist required by prior compacts will be used in the TEIR for the Wilton Project, it is also reasonable to assume that the substantive requirements of TEIRs in recently executed compacts will be imposed upon the Wilton Tribe and Project.

⁵ See e.g., Sec. 11.8.4 of the Graton Compact.

⁶ See Appendix B to the Graton Compact.

⁷ See e.g., the Karuk Tribe Casino Project Tribal Environmental Impact Report (October 2013) available online at <https://www.co.siskiyou.ca.us/sites/default/files/docs/KarukTribeCasinoProjectDraftTEIR.pdf>, as an example of the level of analysis ordinarily included in a TEIR.

⁸ See Graton Compact Section 11.8.1(b), providing "Formulation of mitigation measures should not be deferred until some future time..." and requiring that the "The TEIR must include sufficient information about each alternative to allow meaningful evaluation, analysis and comparison. The TEIR shall also contain an index or table of contents and a summary, which shall identify each Significant Effect on the Environment with proposed measures and alternatives that would reduce or avoid that effect, and issues to be resolved, including the choice among alternatives and whether and how to mitigate the Significant Effects on the Environment..." The Compact then requires "The timely mitigation of any Significant Effect on the environment..., where such effects are attributable in whole or in part, to the Project..." via the negotiation with local jurisdictions of an enforceable intergovernmental agreement. (See Graton Compact Section 11.8.7)

⁹ See e.g., Sections 2.24 and 4.4 of the Graton Compact, excerpted in Attachment 1 to this letter.

not evaluate the Project against these thresholds. Nor does the DEIS evaluate the Project against the City or County's impact assessment and mitigation methodology, as would be required in a CEQA-alternative analysis such as the TPED.

A16-07
(cont.)

For all of these reasons, it is incorrect to state that the analysis in the DEIS meets the requirements of a TEIR/TPED, as there is no substantive basis for that characterization. We are not aware of any other EIS approved by the BIA or NIGC that purported to satisfy the requirements of a TEIR.¹⁰

- **Table ES-1 – Summary of Potential Environmental Effects, Mitigation Measures, and Significance** - As a global comment, please note that the entirety of this Table will need to be updated based on the input in this letter.

A16-08

Also note that, in numerous instances, an impact is identified as less than significant, but a mitigation measure is nevertheless provided. In most instances, we believe that the level of significance before mitigation was more properly characterized as significant and that the mitigation measures are necessary to reduce the level of significance.

- **Table ES-1 Section 4.7 Socioeconomic Conditions: Substitution Effects, ES-27-** Based on the comments in this letter, this section should be amended to read:

Alternative A contains a casino component that is projected to cause a decline in revenue of competing facilities. However, the substitution effects resulting from Alternative A are not anticipated to significantly impact these casinos, or to cause their closure, or to impact the ability of the related tribal governments to provide essential services. Alternative A is also expected to result in a decline in business for local restaurant and entertainment businesses. Some portion of this decline in economic activity may be offset by increases in economic activity stemming from the casino operations.

A16-09

The discussion within Table ES-1 does not adequately differentiate the economic impact of the Project on the City versus the other local jurisdictions. Each jurisdiction will be impacted uniquely, so an analysis that lumps "local jurisdictions" together is inherently inadequate, as is described herein.

- **Table ES-1 Section 4.7 Socioeconomic Conditions: Fiscal Effects, ES-28 –** Based on our comments in this letter, this section should be amended to read:

Alternative A would increase demand for public services, resulting in increased costs for local governments to provide these services. Tax revenues would be generated for federal, state and local governments from activities including secondary economic activity generated by tribal gaming. Alternative A would include transfer of seven parcels from fee status into federal trust for the benefit of the Tribe, resulting in the loss of local property taxes, sales taxes, transient occupancy taxes and other taxes, assessments and fees derived from future development of the proposed casino site. Such lost taxes, assessments and fees would be offset by tax revenues generated for state and local governments from economic activity associated with construction and operation of Alternative A. However, it is unclear if these positive tax effects would outweigh the increased costs for providing public services and the loss of revenue to be derived

A16-10

¹⁰ If and when the State grants a gaming compact to the Tribe, it is reasonable to assume the Tribe will be required to prepare a TEIR as a condition of that agreement given the formulaic terms of such agreements described above, but it is unclear how the analysis required to be included in a TEIR could be incorporated into an EIS before the project-specific terms and conditions of a gaming compact have been established.

from future alternative development of the site and the reduction in fiscal and economic activity due to substitution away from local businesses.

A16-10
(cont.)

- **Table ES-1, Fiscal Effects, Mitigation Measures ES-28-29** – Based on our comments in this letter, this section should be amended to read:

The Tribe shall make in-lieu payments adequate to replace revenues lost by Sacramento County and the City of Galt due to reduced taxes, assessments and fees received by the County and City from those land parcels taken into trust. The amount of the payments shall be adjusted to take into account payments identified in **Section 5.10** for various municipal services.

A16-11

Payments made pursuant to local agreements between the Tribe and local governments, including Sacramento County and/or the City of Galt, and/or the City of Elk Grove represent off-site mitigation measures required by the Compact to offset the off-site impacts of the Project and provide support for public services (including law enforcements), community benefits, and utilities.

1.0 INTRODUCTION

1.2 ALTERNATIVE SITE LOCATIONS

- **1.2.1 Twin Cities Site, p. 1-2** – Only a 76 acre portion of the 282 acre Twin Cities Site (Site) is slated for development. There is no evidence in the record that the additional 206 acres must be taken into trust to meet the purpose and needs of the Tribe.

Plainly, the Tribe's purpose and needs can be met by taking only the 76 acres of the Twin Cities Site into trust, given that a 75 acre site (Alternatives D and E) and a 28 acre site (Alternative F) were found to be adequate. Further, no development is proposed to the southerly 206 acres (p. 2-3), thus it is clear on its face that this additional acreage is unnecessary.¹¹ While the Project would span across more than one of the seven separate parcels comprising the Twin Cities Site, we understand the land is held in fee by a single property owner. Thus, there is no impediment to undertaking a lot line adjustment to separate the 76 acres needed for the Project and take only that portion into trust.¹²

A16-12

The remaining 206 acres is a prime location identified in the City's General Plan for future commercial development that will benefit from the proximity to the freeway. Taking nearly 3 times as much land into trust as is necessary to serve the Tribe's needs represents a significant fiscal and opportunity cost for planned and regulated development within the City.

Moreover, the remaining acreage will not remain undeveloped for long. Including the additional 206 acres without analyzing the likely development thereof (either by the Tribe or a third party under the No Action alternative) seems to be piecemealing and results in an incomplete analysis across the board; understates the environmental effects of Alternatives A, B and C (as well as G); and avoids practicable mitigation measures.

¹¹ The DEIS does not contain clear information about whether and what portion of the additional 206 acres would be used for on-site service facilities. However, connection to off-site municipal service is also feasible, so using the land for onsite services is unnecessary and is an environmentally inferior option. Even if some additional acreage is used for on-site services, a significant portion of the 206 acres of land remains surplus and is in excess of what is needed to meet the Tribe's needs.

¹² A more detailed discussion between the City, Tribe, BIA and landowner of the options for reducing the land taken into trust at the Twin Cities Site would be beneficial for all involved. The owner's prior offer to sell all of the parcels together does not preclude an alternative arrangement, particularly where the parcels could be reconfigured via lot line adjustment(s).

Given that the land is unnecessary to meet the Tribe's needs and considering the concerns about the land use and financial impact of removing such a significant portion of the City's future commercial development, the Twin Cities Site should be redefined as just the 76 acre site needed for the development.¹³

A16-12
(cont.)

1.4 OVERVIEW OF THE ENVIRONMENTAL REVIEW

- **Overview, 1-10** – This section characterizes the BIA and several cooperating agencies as overseeing the drafting of this document. Given that most of the City's comments on the ADEIS were not incorporated and the BIA has not met with the City to discuss the document, we do not believe this is a fair characterization of the document in its present state. We are hopeful that our comments on the DEIS will be incorporated and collaborative meetings will be scheduled, so that such a statement would be accurate in the FEIS.

A16-13

1.6 AGREEMENTS WITH STATE AND LOCAL GOVERNMENTS

- **City of Galt Letter of Intent and MOU, 1-12** – These agreements are mischaracterized and should be revised.

The City's Letter of Intent establishes the parties' good faith intent to negotiate – at the Tribe's expense – a mitigation agreement that offsets the impacts of the Project and provides for certain services. The MOU is not a substantive agreement "focused on addressing off-reservation impacts of the Proposed Project on Galt," (p. 1-12) but rather a reimbursement agreement. It simply provides that the Tribe will pay for the City's expenditures in analyzing the Project's impacts and sets forth the terms and conditions for doing so. The parties contemplated entering into a separate agreement to address the off-reservation impacts.

A16-14

1.7 TRIBAL-STATE GAMING COMPACT

- **Compact, 1-13** – This section indicates the State is expected to require the Tribe to prepare a TEIR and this DEIS addresses all relevant Checklist items. As described in our comments on ES.1, the DEIS has not addressed the Checklist items or satisfied the requirements of a TEIR. Doing so would require incorporating different thresholds of significance, analyzing a different scope of the Project, and incorporating additional mitigation measures, among other things.

A16-15

1.8 REGULATORY REQUIREMENTS, PERMIT AND APPROVALS

- **Table 1-1 Potential Permits and Approvals Required** – The field on page 1-14 in Table 1.1 for the City of Galt should be revised to include: (1) possible approval of water/wastewater connections and service agreements, (2) negotiation and approval of an off-site mitigation agreement pursuant to the State Compact, and (3) possible approval of law enforcement services agreement with the Galt Police Department.

A16-16

¹³ If the BIA does not revise the analysis and continues proposing that all 282 acres be taken into trust, it would need to specify the purpose and need for including those additional acres. The document would also need to evaluate development of the entire site based upon a probable development scenario such as the one contemplated by the Galt General Plan. However, we believe doing so would require recirculation of a Draft EIS under 40 CFR 1502.9(a), as no analysis to this effect has been prepared to date.

2.0 ALTERNATIVES

2.2 ALTERNATIVE A – PROPOSED TWIN CITIES CASINO RESORT

- **2.2.1 Project Location and Access, 2-1** – The Twin Cities Site description needs to be revised.

The Site should be characterized as just the 76-acre property needed to meet the Tribe's purposes and needs, as described in our comments above on **Section 1.2.1**.

A majority of the Site is described as being within Galt's sphere of influence. This is inaccurate. The entirety of the Site is within the City's sphere. Moreover, it is subject to a pending annexation process, which we expect to be completed by the end of 2016. The reasonably foreseeable possibility that the land will soon be incorporated into the City's boundaries and zoned for commercial development is a critical aspect of the Project which the BIA has failed to analyze. Just as the BIA analyzes various service arrangements in the alternative (*e.g.* onsite vs. offsite), the DEIS must analyze the impacts of Alternatives A, B and C in the alternative depending on the timing/outcome of the annexation.

A16-17

Access to the Site is described as being "provided via a driveway constructed as part of the proposed Project located along West Stockton Boulevard, to the northwest of the existing Highway 99 and West Stockton Boulevard off-ramp." This is not accurate because it characterizes the construction of the Mingo Road interchange as a mitigation measure, when it should be part of the Project description with the impacts analyzed throughout the DEIS. Similarly, the closure of West Stockton Boulevard should be part of the description of Alternative A and analyzed. These two roadway projects have major implications on circulation in the region and should not just be buried in the traffic chapter, but stated in the description and analyzed throughout the DEIS.

- **2.2.4 Tribal-State Gaming Compact, p. 2-3** – This section lists key provisions of recent California Compacts likely to be included in the Wilton Compact, such as the requirement to prepare a TEIR and adopt various health and safety standards. This list should also include: "The Tribal Government will enter into enforceable intergovernmental agreements with local jurisdictions to provide services and mitigate any significant effect on the environment." This is also a requirement of every Tribal-State compact and is an important prerequisite to Project development.¹⁴

A16-18

- **2.2.5 Alternative A Project Components, p. 2-3 to 2-7** –

Explain what is meant by the statement that "No development is proposed on the southern part of the site." Does this mean that no development would ever occur and that the land would remain as agricultural uses in perpetuity? If so, a discussion of the nature of the agricultural uses and a mitigation measure to prohibit any other development is needed. Conversely, does this statement mean that no development is proposed at the present time, but may/will occur at a later date? If so, then this document is seriously flawed and incomplete in that no analysis of the impacts of this future development is included.¹⁵

A16-19

The description goes on to state (**page 2-6**) that the facility is "anticipated to be constructed to meet the International Building Code." What does this statement mean? If not constructed to meet this code, then under what code will the Project be constructed under, if any? Please clarify.

A16-20

¹⁴ See *e.g.*, Graton Compact Section 4.4 excerpted in Attachment 1 hereto for reference.

¹⁵ See our comments on Section 1.2.1 and Section 2.8 re the likelihood of development on this Site.

We do not believe that construction beginning in 2017 is a realistic timeframe given that as of March 2016 the environmental review is pending and extensive additional federal, state and local permits and approvals are required, as is described in **Table 1-1**, before construction could begin. Please revise this date.

A16-21

Table 2-1 provides a breakdown of the parking to be provided for the casino/resort. However, there is no mention as to what parking ratio was used to determine whether this amount of parking is sufficient. See our comments on **Section 3.9** below for other relevant concerns.

A16-22

The discussion of the hotel and casino mentions “a large sign will be placed near the freeway” to identify the facility. However, there is no discussion anywhere within the DEIS regarding the sign’s location, height, materials, style (digital vs. static), illumination, *etc.* Further, there is no discussion of this sign’s compatibility with local zoning regulations and no analysis about how this sign will impact the environment (*i.e.* will off-site light and flashing messages affect nearby native habitat, distract motorists on Highway 99, be incompatible architecturally with the proposed and surrounding development, affect migrating birds, *etc.*?). The DEIS should be updated to analyze the impacts of this sign. This comment is applicable to Alternatives B and C as well.

A16-23

• **2.2.5 Alternative A, Water Supply, 2-7**

The DEIS uses inconsistent numbers for the Project’s projected water supply demand. On pages 2-7 and 4.3-4, the DEIS states that the estimated average daily water consumption for domestic and landscape irrigation needs of Alternative A is 295,000 gpd, citing DEIR **Appendix I**. Appendix I, however, focuses (as it should) on maximum or peak water demand and concludes that Alternative A will require maximum daily water of 437,000 gpd for domestic and landscape irrigation needs. Appendix I also notes that an additional 720,000 gallons of water are required for fire protection needs at a minimum. Accordingly, given these critical discrepancies and omissions, the DEIS’ water supply impact analysis is incomplete and inadequate until accurate, complete and stable water demand information is known and provided.

A16-24

The description of the on-site supply alternative (Option 1) is unclear about the continued use of the existing on-site wells. Will the Tribe continue farming/agricultural operations and utilize the wells or not? The answer significantly affects the water supply analysis throughout the document.

A16-25

The on-site supply alternative (Option 1) also inaccurately states that water for fire protection will be provided by on-site wells. Appendix I provides that a fire water storage tank of up to 20 feet high and 110 feet in diameter would be required. The description should be revised and DEIS should analyze the impacts the fire water storage tank on the environment, as no analysis was included. Additionally, the DEIS should analyze the aesthetic impacts associated with the water storage tank, and include mitigation measures to reduce the visual blight from this structure.

A16-26

The off-site supply alternative (Option 2) describes the extension of a pipe to Galt’s water system. A separate pipe for recycled water is also mentioned. There is no discussion of the infrastructure and construction that would be required for either connection. Describe the sizes of the pipes and scope of construction required to achieve these water service connections and incorporate any mitigation measures that would be required.

A16-27

- **2.2.5 Alternative A, Wastewater Treatment and Disposal, 2-8 – Sizing the WWTP to treat the peak flow assumes that no additional development will occur. However, the document is inconsistent on this**

A16-28

point. Either the WWTP should be sized to meet the needs of all development on the Twin Cities Site or it should be conditioned to prohibit additional development. This analysis would be more straightforward if only the needed 76 acres were being taken into trust.

A16-28
(cont.)

- **2.2.5 Alternative A, Memorandum of Understanding** - What is the purpose of the discussion on page 2-12 of the MOU between the Tribe, the County of Sacramento and the City of Elk Grove? Assuming there is some substantive reason for this discussion, why isn't the City of Galt's MOU included as well?
- **2.2.5 Alternative A - Best Management Practices** – Alternative A incorporates “industry standard” Best Management Practices (BMPs). Galt has its own BMPs for construction and operation which incorporate state and local BMPs. We have proposed significant revisions throughout **Section 5.0** to incorporate Galt's BMPs. These mitigation measures must be incorporated in order for the document to accurately state this meets industry standards and minimizes the adverse effects of development.

A16-29

A16-30

2.3 Alternative B - Reduced Intensity Twin Cities Casino and 2.4 Alternative C – Retail

Similar comments to those stated above apply to Alternatives B and C and should be cross applied throughout.

A16-31

2.8 Alternative G – No Action

The No Action alternative analysis is legally flawed. According to the Council on Environmental Quality (CEQ), pursuant to Section 1502.14(d), the no action alternative analysis requires an analysis of taking no action compared with the effects of the proposed activity or an alternative activity to go forward.¹⁶ Specifically, where a no action choice results in predictable actions by others, the consequence of the no action alternative must be included in the analysis.¹⁷ Even when the alternative may be outside the jurisdiction of the BIA, it still must be analyzed.¹⁸

Here, the BIA acknowledges that the Site likely will be annexed and improved with highway commercial development. But, the no action alternative incorrectly assumes – without factual support – that the Twin Cities Site would not develop in the “near term” and/or that the development is not reasonably foreseeable.¹⁹

A16-32

The likelihood of developing this site in the near term (absent the casino development) is supported by several factors, most importantly the pending annexation process which we expect to be completed this year and the relative lack of retail development in the City currently.

According to data from the California State Board of Equalization, as of 2013 (the most recent year available), the City had just \$5.65 in taxable sales per capita, the lowest of any incorporated city in Sacramento County and substantially lower than the \$27.37 per capita statewide average.²⁰ The City has also extensively analyzed the

¹⁶ See 46 Fed. Reg. 18026, “Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations,” Question #3.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ The distinction between short and long term for the purposes of this analysis is not defined. Given that it will likely be several years before the Tribe can secure all of its regulatory approvals and construction may begin, the construction phase itself will take at least 18 months, and a gaming compact is valid for 20 years, the development potential of the Site under the no action alternative should be reviewed using this same 20 year+ timeframe.

²⁰ California State Board of Equalization: http://www.boe.ca.gov/news/2013/city_a13.xls.

extent of retail leakage in the community including the Twin Cities Site.²¹ This data strongly suggest that the City is ripe for additional retail development.

As is acknowledged on page 2-29, the Twin Cities site offers desirable access to Highway 99, has reasonable highway visibility, and is close to recent commercial development. The Site also comes at a land cost advantage relative to neighboring Elk Grove to the north. For example, an examination of recent vacant land sales revealed that Elk Grove land costs are approximately 27% higher relative to similar sites in the City of Galt.²² In addition, the City currently has just 50 acres suitable for commercial development of this type. Additional vacant land within the City limits may become available if the proposed annexation is completed, however, the proposed casino site will enjoy a cost advantage relative some other portions of the proposed annexation territory owing to its proximity to the City's waste water treatment plant. Sites on the east side of Highway 99 are expected to have higher infrastructure costs to connect to this facility. Therefore, the proposed casino site represents one of the most likely future development sites for the City.

A16-32
(cont.)

In fact, the City has planned for the annexation and commercial development of this site for a number of years. The City examined the site in the 2005 to 2008 period during its general plan evaluation. In 2009, the proposed casino site was added to the City's sphere of influence and in 2015 the Galt City Council initiated the annexation process with the Sacramento County Local Agency Formation Commission (LAFCO). We expect the Council to consider approval of the formal annexation application mid-year in 2016 and for the LAFCO proceedings to be completed before the end of 2016.

All of this suggests that the proposed casino site is a very likely candidate for a future retail development in the near term. Indeed, EIS Alternative C suggests just such an alternative, confirming that such a project is reasonably foreseeable, practical and feasible at the Site from both a technical and economic standpoint. The size, scope and timing of possible development projects is within the City's local expertise and something that we can further elaborate upon via a staff to staff meeting. Including an analysis of the commercial build out of the Twin Cities Site under the No Action Alternative is necessary to satisfy the requirements of NEPA.²³

3.0 AFFECTED ENVIRONMENT

3.5 BIOLOGICAL RESOURCES

- **State Listed Species, 3.5-18 to 19** - The discussion of the Swainson's Hawk and Greater Sandhill Crane indicates that the nearest record of a sighting of a Swainson's Hawk in the Project vicinity is from 2003 and that there are no records of Greater Sandhill Crane sightings within five miles of the site, and goes on to further speculate that the Site would not be sufficient habitat for the Greater Sandhill Crane. However, the biology report prepared for the project (**Appendix L**) does not analyze these species. Further, the City of Galt has established the Galt Swainson's Hawk Habitat Preserve to the immediate west of the subject site for the specific purpose of providing natural habitat for these species. Therefore, since this habitat exists immediately adjacent to the site and provides habitat for such species, and since the project's biology report did not provide analysis about these species and the Project's potential impact on them, the analysis is incomplete until such studies are conducted. Refer also to the comments on biology in **Section 4.5**, below.

A16-33

²¹ See generally, Galt Retail Trade Area Data available online at <http://www.ci.galt.ca.us/index.aspx?page=734>; see also, Twin Cities Road & Highway 99 Retail Site Assessment (May 2011) available online at <http://www.ci.galt.ca.us/Modules/ShowDocument.aspx?documentid=6848>.

²² Sales of vacant land for parcels larger than one acre located in proximity to Highway 99.

²³ 40 CFR Section 1500.1(a)

3.7 SOCIOECONOMIC CONDITIONS

This Section is missing an analysis of tribal gaming in the vicinity of the Project sites. Other environmental documents for fee-to-trust casino projects include an analysis of nearby Indian gaming casinos.²⁴ The data to be provided should include the distance from the proposed sites, the size of the facilities, the construction costs, numbers of patrons per day, transportation methods, casino revenues per slot and per table game per day.

A16-34

3.8 TRANSPORTATION/CIRCULATION

- **Table 3.8-4, page 3.8-7** – As noted in the City's April 13, 2015 response to the ADEIS, the Twin Cities/Carillion, Marengo and Cherokee intersections are outside the ¼ mile from state routes and the target LOS should be D, not E. Please revise the DEIS accordingly.

A16-35

3.9 LAND USE

As noted in the City's April 13, 2015 response to the ADEIS, the City has implemented a new Development Code, which would be used to regulate development standards for projects.

A16-36

Since the Twin Cities Site is not in the city limits there is no City zoning identifying the site. If it were in the city limits, the most likely zoning would be Highway Commercial (HC), consistent with similarly located properties located along Highway 99 and designated as Commercial on the City's General Plan Land Use Map. However, it should be noted that the casino would not be a permitted use. There is no zone within the City limits that permits a gaming operation. Thus Alternatives A and B conflict with the City's land use plans and policies.

A16-37

The DEIS lacks site detail, including, but limited to, landscape plans, floor plans, lighting photo metrics, pedestrian and bicyclist access and parking, utility plans, and building elevations along with color and material. As a result, a detailed analysis of how the site conforms to the City Development Code cannot be accomplished. However, based on the provided information, the following is an initial analysis of the casino being located in a HC zone.

A16-38

Maximum Height

The proposed 12-story hotel significantly exceeds the 50-foot height maximum in the HC zone. In fact, this height is in excess of the height limits in every zone and would not be compatible with any other development in the City or in the vicinity of the Site.

A16-39

Parking

The DEIS proposes three alternatives for development of the Twin Cities Site. Alternative A includes the casino, hotel, retail, personal services, a variety of restaurants, and other non-detailed uses. The total square feet in this scenario is 601,780 and the total number of off street parking is 3,500 spaces (including employee parking). The City does not have a parking calculation for a casino. However, estimating one space per 200 square feet (gross) for all of the site uses, the total parking requirement would be 3,009 spaces. The site appears to be adequately parked in this scenario.

A16-40

Alternative B includes the same uses above without the hotel. The total developed square footage equals 292,775. The parking requirement using the same one space per 200 square feet (gross) totals 1,464 off street

A16-41

²⁴ See Graton FEIS, Section 3.0, pg. 3.7-13 *et seq.*

parking spaces. The parking layout for Alternative B is the same as Alternative A at 3,500 spaces. Therefore, in this scenario the site is over parked and not making best use of available land.

A16-41
(cont.)

Alternative C includes a variety of commercial uses without the hotel and casino. In this scenario, the proposal includes a total of 686,000 square feet of commercial use. The total proposed parking is 3,320 spaces. The requirement, using one space per 200 square feet (gross) totals 3,430 spaces. Consequently, the site is under parked. However, due to the size of the parcel and the potential for the development of a variety of uses that, other than the anchor uses, have not been identified, the parking ratio required for Alternative C could vary greatly.

A16-42

- **Table 3.9-2 City of Galt Applicable General Plan Strategies and Policies** - While Table 3.9-2 contains a fairly comprehensive list of policies that are applicable to the proposed Project, the following policies should also be discussed within the Table, as they are also applicable to the proposed Project: LU-1.1-b(1), LU-1.8, C-1.2, C-4.1, C-4.4, C-4.7, COS-2.1, COS-7.3, COS-7.23, ED-1.1, ED-1.2, ED-3.3, ED-3.4, PFS-1.11, PFS-2.5, PFS-2.7, PFS-2.9, PFS-2.13, PFS-3.8, PFS-4.4, PFS-4.6, PFS-11.2, SS-4.5 and SS-4.6.

A16-43

- **Page 3.9-10** – A discussion of a land evaluation and site assessment system to establish a Farmland Conversion Impact Rating (FCIR) score is provided; however, the actual score(s) of the Site is not provided. Therefore, it is not possible to ascertain how the FCIR score is applicable to the Site and whether further evaluation is required.

A16-44

3.10 PUBLIC SERVICES

- **3.10.1 Water Supply, 3.10-1** – The DEIS uses inconsistent descriptions of the number of City wells. Please correct and revise.

A16-45

- **3.10.2 Wastewater Services, 3.10-4** – Please revise the description to make clear that new development is always required to construct the sanitary sewer collection system components associated with their projects.

A16-46

- **3.10.3 Solid Waste Services, 3.10-6** – Please update the description of the City's franchise agreement with CWRS to reflect that the agreement has been extended to February 28, 2019.

A16-47

- **3.10.4 Law Enforcement, 3.10-7** – Please include the location of the nearest Sacramento County Sheriff's Department (SCSD) substation to the Twin Cities Site and include standard response times for priority calls so that an accurate comparison of services can be made between Galt Police Department and SCSD.

A16-48

- **3.10.8 Libraries and Parks, 3.10-12** – Please include the following information in the document about the City's visitor serving amenities. The City's park to resident ratio is 3.24 persons/household / 1,000 x 5 acres. A list of parks along with their amenities, is provided below. The City also has the Littleton and Chabolla Community Centers available to the community.

A16-49

CITY OF GALT PARKS AND FACILITIES

PARK AND ADDRESS:		Barbecue	Baseball Fields	Basketball	Dog Parks - Large & Small	Horseback	Jogging/Bike Trail	Lighted Band Volleyball Courts	Lighted Soccer Field	Lighted Tennis Courts	Parking Lot	Pavilion Available for Rent	Picnic Area/Tables	Play Equipment Ages 2-5	Play Equipment Ages 6-12	Pool	Restrooms	Shed/Structure	Soccer Fields	Swings	Notes	
1	Ashboro Tot Lot - 332 Lyonia Drive														*					*		
2	Canyon Creek Park - 700 Canyon Creek Way	*		*			*						*		*		*	*		*		
3	Chabolla Skate Park - 620 Chabolla Avenue																				Skateboard structures	
4	Emerald Vista Park - 800 Emerald Vista Drive	*					*						*		*		*		*	*	Lighted parking	
5	Fumasi Oak Preserve - 214 S. Emerald Oak/West C Street																				Nature Trail	
6	Galt Community Park - 1000 Walnut Avenue	*	*	*		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	Batting Cages
7	Gora Aquatic Center - 630 Chabolla Avenue												*		*	*	*	*	*	*	Concession Stand	
8	Greer Basin - 136 Fumasi Drive/A Street	*	*						*				*		*	*	*	*	*	*		
9	Harter Park - 348 C Street	*	*										*		*	*	*	*	*	*	Lighted Little League	
10	Lake Canyon Park - 399 Lake Canyon Drive	*	*	*	*	*							*		*	*	*	*	*	*		
11	Lion's Oak Park - 254 Oak Avenue	*												*	*	*	*	*	*	*		
12	McCaffrey - 1001 Park Terrace Drive													*	*	*	*	*	*	*	Sports fields	
13	Meadowview Park - 1128 Meadowview Drive/Kost Road	*	*										*	*	*	*	*	*	*	*		
14	Monterey Park - 1170 Monterey Bay Court	*	*	*	*	*						*	*	*	*	*	*	*	*	*		
15	Rotary Park - 140 2nd Street																					
16	Roundstone Park - 950 Roundstone Drive	*	*	*									*	*	*	*	*	*	*	*		
17	Sand Park - 720 A Street/Lincoln Avenue																					
18	Southern Pacific Park - 4th Street & C Street																					
19	Sports Complex - 1022 Caroline Avenue	*			*					*	*	*	*	*	*	*	*	*	*	*	Concession Stand	
20	Veteran's Soccer Field - 900 Caroline Avenue								*								*					
21	Walker Park - 380 West Elm Avenue	*			*			*	*	*	*	*	*	*	*	*	*	*	*	*	Synthetic Turf Field	

3.11 NOISE

- Table 3.11-7 - Indicate in the title of Table 3.11-7 that the table pertains to the City of Galt Noise Element (similar to how Table 3.11-6 was titled).

A16-50

3.13 AESTHETICS

- 3.13.2 Twin Cities Site – Alternatives A, B and C - Within the list of City of Galt General Plan policies (page 3.13-3), add Policy CC-1.10, art in public places.

A16-51

4.0 ENVIRONMENTAL CONSEQUENCES

- General Comment** - As noted above, the discussions of the environmental consequences for Alternatives A, B and C only pertain to the buildout of 76 of the overall 282 acres at the Twin Cities Site proposed to be taken into trust. While the DEIS alternatively states that the remaining acres would continue to be used for agricultural purposes or not be developed, there is no discussion of whether this would be in perpetuity. It is also unclear whether portions of the remaining acreage may be used for other uses, such as wastewater treatment areas (see discussion below). Additionally, no discussion of the environmental consequences associated with development of the remaining acreage (on project-specific and cumulative levels) is provided in the DEIS, notwithstanding the fact that the document acknowledges commercial development is likely, which is consistent with the City's evidence.

A16-52

Consequently, the DEIS is flawed because it contains an incomplete analysis of the potential environmental consequences that may occur with buildout of the 282-acre Twin Cities Site.

A16-52
(cont.)

- **General Comment** – Section 4.0 fails to clearly state the threshold of significance / significance criteria for each impact type. As a result, the conclusions that a particular impact is less than significant are meaningless, because the criteria against which an impact is being measured has not been made clear. Significant revisions to Section 4.0 are needed to show how substantial the various impacts are in relationship to both the baseline environment and the threshold of significance.

A16-53

4.2 GEOLOGY AND SOILS

- **4.2.1 Alternative A – Site Topography, 4.2-1** - The discussion on **page 4.2-1** of Alternative A's site topography indicates that approximately 620,000 cubic yards (cy) of fill would be required for the site. **Page 2-11** indicates that 640,000 cy of fill is necessary according to **Appendix J**. Please reconcile these numbers. The discussion further indicates that only 16,000 cy of fill *may* be available from on-site excavation of the two detention ponds. As a result, a significant amount of fill would need to come from "other locations" on the Twin Cities Site or imported from off-site locations. Please specify where the fill would come from and analyze the impact thereof.

A16-54

The discussion on **page 4.2-1** provides that the grading and fill efforts would not be anticipated to result in significant impacts to geology, air quality, biological resources or "other areas." This is wholly inadequate for several reasons. First, what is meant by "other areas"? Second, none of the text or figures included in the DEIS or its appendices indicate where this soil needed for fill will be excavated from on the Site or, alternatively, where it would be imported from beyond the Site. Assuming the fill comes from the southern portion of the Site, the disturbance of this area will be much larger than shown on Figures 1, 2 and 3 in **Appendix E**. The lowering of the Site, would impact existing drainage patterns, water and air quality and biological resources. Thus, there are no facts to support the conclusion that this excavation is harmless. Third, the math is incomplete as 620,000 cf of needed fill minus the 16,000 cf of soil excavated to create the drainage basins equals a total need for 604,000 cf of fill, not 304,000 cf as stated in the DEIS. Even if 304,000 cf of fill is somehow shown to be the correct amount of fill required, this is still very significant as this would require 60,800 truck trips (30,400 trucks (carrying 10 cf of soil) x 2 trips (delivery and return). And, if 604,000 cf of soil is required as it appears, then those truck trips would essentially be doubled. Fourth, since there has been no plan provided for the development of the remaining 206 acres beyond the casino portion and consequently, no analysis has been provided regarding impacts on the remainder of the 282-acre site, there are no facts to support the conclusion that this excavation is harmless.

A16-55

Presently, the analysis is incomplete and flawed for those numerous reasons. In addition to impacting the DEIS' analysis of geology and soils and construction water quality impacts, these inadequacies clearly extend into the impact analyses for biological resources, air quality and traffic to name a few, especially if significant quantities of fill are needed to be imported from off site. The revised drainage study must be completed to satisfy the "hard look" requirements of NEPA.

4.3 WATER RESOURCES

- **4.3.1 Alternative A, Wastewater — On-Site Treatment & Disposal (Option 1), 4.3-3**

The DEIS' discussion of the on-site treatment and disposal option is inadequate. Because no soil analysis has been performed, the DEIS does not and cannot accurately describe the amount of

A16-56

agricultural land that would be converted to subsurface disposal facilities.²⁵ Consequently, the DEIS does not and cannot fully and fairly evaluate the impacts associated with construction and operation of such facilities (laying of underground piping and the construction of underground infiltration chambers).²⁶

A16-56
(cont.)

The EIS should be revised to evaluate the Project water demand with respect to hourly, daily, and monthly peak demands as well as comparing these estimates with other similar projects.

A16-57

The discussion of Option 1 states that the Twin Cities Site has over 80 acres of land that potentially could be used for wastewater disposal. This is a vague statement. Since there is allegedly no plan for the buildout of the entire 282-acre site, and since no analysis of the environmental consequences related to the buildout of the site has been provided within the DEIS, it is not possible at this time to determine the significance of the statement regarding using up to 80 acres of land for wastewater disposal on this site. Nor is there any indication of which acres of land are eligible, how much of this acreage would be needed or to what extent this acreage would be affected by the extensive excavation needed to provide fill for the development.

A16-58

The DEIS does not properly analyze the interrelationship between the Tribe's wastewater disposal and the groundwater impacts, particularly as it relates to the City's WWTP permitting requirements. Pursuant to the terms of its operating permits, the City must monitor groundwater conditions surrounding the WWTP and changes in the immediate groundwater could impact the City's ability to continue its current treatment/disposal processes. Thus, a comprehensive analysis is needed to evaluate the impacts of Option 1 on the City's current treatment/disposal processes. The study should also identify feasible mitigation measures, which the Tribe should be required to implement.

A16-59

Based on our reading of the DEIS and all appendices related to wastewater treatment, up to 3 separate above-ground tanks will be required for the on-site wastewater treatment option - one for recycled water use at casino site, one for treated effluent disposal via subsurface (leach field) and surface (spray) discharge, and one for biosolids to be trucked and disposed of at a landfill accepting biosolids. Given the restrictions on surface spray discharge of wastewater during the rainy months, the treated effluent disposal tank will need to hold 550,000 gallons. None of the figures in the DEIS show where these tanks will be located or analyze their impacts.

A16-60

Another aspect of on-site wastewater service that the DEIS fails to address is the lack of regulatory oversight over such facilities. Local governments do not have jurisdiction and the state's role is limited. In some cases, under the terms of the gaming compact, the state can only investigate in the absence of regular federal inspections, which means the state has no ability to inspect to ensure the on-site facilities are not a threat to public health.²⁷

A16-61

• **4.3.1 Alternative A, Wastewater- Off-Site Treatment and Disposal (Option 2), 4.3-4**

The discussion of the off-site wastewater treatment option - connection to the City WWTP - does not adequately analyze impacts associated with construction or operation of the proposed Project, especially impacts associated with construction of infrastructure to extend wastewater facilities to the Twin Cities Site. Instead, the DEIS concludes this option would have no potential significant impact based solely on the fact that the City's WWTP treats and discharges effluent pursuant to an approved NPDES permit.

A16-62

²⁵ See DEIS 2-8 to 2-10.

²⁶ See DEIS at 2.2-5 and 4.3-3.

²⁷ See "Gambling in the Golden State," pg. 76 available online at <http://oag.ca.gov/sites/all/files/agweb/pdfs/gambling/GS98.pdf>

Current permitting compliance does not avoid environmental impacts so the conclusion of no significant impact is not supported by the evidence in the record.

A16-62
(cont.)

The DEIS does not contain any discussion of the impacts associated with the construction and operation of the wastewater treatment infrastructure that would be required to make this treatment option feasible.²⁸ For example, one of the two options for extending wastewater delivery pipes from the casino to the City's WWTP would require a new 3,600 or 4,200 foot pipe to be constructed underground in the center of the Twin Cities Site (referred to as Drainage 3 in **Figure 3.5-1**). What impacts will this have?

A16-63

The wastewater infrastructure needs of the Twin Cities Site alternatives for both collection and treatment will vary based upon the Project timing, volume and loading. Because the Project's peak sewage (average 230,000 to peak 300,000 gallons per day), would bring the plant close to its current 3.0 million gallons per day (MGD) capacity under current service demands, if other development projects come online before this Project (which is likely given the extensive permitting and approval process that the Tribe must complete prior to construction), servicing the Twin Cities Site may trigger the need to expand the WWTP. Because the WWTP may not have the capacity to accept Project flows without expansion, this impact must be considered significant.

A16-64

The DEIS also fails to make clear that if the Tribe disposes of wastewater off-site to the City's WWTP, the Tribe would be required to extend from existing service in a manner that is consistent with the City's Master Plan and pay the appropriate connection fees for regional Master Plan improvements and ongoing service fees for wastewater treatment and recycled water and fair share costs of future expansion/improvements.

A16-65

The DEIS must analyze, mitigate and monitor the effects of implementing the off-site water supply improvements with the rest of the proposed Project and may not simply note that these Project elements are necessary and will be built, while leaving proper environmental analysis to some future time and other parties. This is particularly true, here, where the DEIS purports to also be a TEIR/TPED.

A16-66

▪ **4.3.1 Alternative A, Groundwater, On-Site Water Supply (Option 1), 4.3-4**

The DEIS does not fully inform the public and decision makers regarding the proposed Project's water usage and the consequences of such usage. There are critical discrepancies and omissions, described in this section below, that make the DEIS's water supply impact analysis incomplete and inadequate.

A16-67

While the DEIS discusses the water usage for operation of the casino complex under Option 1 (the use of water drawn from the Consumnes Aquifer via on-site wells), it does not disclose the amount of water that will be used during project construction.²⁹

With respect to potential impacts to groundwater and neighboring wells, the DEIS essentially concludes on page 4.3-5, based on analysis in **Appendix K** (groundwater study) there will be no impact, or, if anything, a beneficial impact, because Project water demand will be less than current agricultural water use at the TS site. The DEIS, however, fails to support this conclusion because it does not ever make a direct/appropriate comparison of existing use versus Project water demand.

A16-68

Specifically, the DEIS states that the current agricultural water use at the Twin Cities Site is 933 gallons per minute, but that agricultural water use calculation only covers the irrigation months (June-

²⁸ See DEIS 5-26.

²⁹ See DEIS at 4.3-4 to 4.3-5.

September) and is based not on actual water usage data for the site, but rather, on an estimate based on types of crops grown on the site (corn and alfalfa) and crop water consumption rates.³⁰ Because the DEIS has provided no information on water usage for the remaining 8 months of the year, it impossible to determine whether the Project, *on average*, will actually use less water than is currently used on-site for crop growing. With respect to this critical estimate, **Appendix K** expressly notes as follows – “this estimate, and all subsequent calculations based on it, was performed using very rough numbers, has a large margin for error, and is only intended for impact analysis and general planning purposes.” Thus, the document itself acknowledges the lack of reliability of this information. Also, the existing agricultural operations would not use 933 gallon per minute for 24 hours a day for four months. A more accurate comparison would be to identify the total amount of water used on an annual basis for each use for an accurate comparison, *i.e.*, acre feet per year.

A16-68
(cont.)

The DEIS also uses inconsistent numbers for the Project’s projected water supply demand. On page 4.3-4, the DEIS states that the estimated average daily water consumption for domestic and landscape irrigation needs of Alternative A is 295,000 gpd, citing **Appendix I**. **Appendix I**, however, focuses as it should on maximum or peak water demand and concludes that Alternative A will require maximum daily water of 437,000 gpd for domestic and landscape irrigation needs.

A16-69

Moreover, while the DEIR is silent as to water required for fire protection needs, **Appendix I** notes that an additional 720,000 gallons of water are required for fire protection needs at a minimum, and that a fire water storage tank of up to 20 feet high and 110 feet in diameter would be required.

A16-70

Further, the DEIS is inconsistent about the use of the remaining 208 acres, but does describe the land as remaining in agricultural use. This additional water demand is unaccounted for in the DEIS’s analysis of Alternatives A, B and C. Certainly the combination of agricultural use plus Project use cannot be characterized as an insignificant impact or beneficial.

A16-71

The EIS should be revised to include a comprehensive study of Option 1 including an evaluation of the Project water demand with respect to hourly, daily, and monthly peak demands as well as comparing these estimates with other similar projects and an analysis of the impacts of meeting this demand on the existing aquifer over the various development phases from pre-construction to buildout. The study should also identify feasible mitigation measures, which the Tribe should be required to implement.

A16-72

As described above, the DEIS also fails to acknowledge that the City’s wastewater treatment/disposal system will be impacted by the onsite system. The City currently monitors groundwater conditions surrounding the WWTP in accordance with the related permits. Any on-site treatment/disposal by the Project will impact the immediate groundwater and may impact the City’s ability to continue its current treatment/disposal processes. The DEIS is incomplete without a comprehensive study to identify groundwater impacts of on-site treatment/disposal and its effect on City’s continued WWTP operation under its permits.

A16-73

The water supply impact analysis also fails to provide the type of analysis of a formal water supply assessment that evaluates whether the projected water supply for the next 20 years – based on normal, single dry, and multiple dry years – will meet the demand projected for the Project, plus existing and planned future use, including agricultural and manufacturing uses. In this time of protracted drought and continued exclusive reliance on groundwater, these issues must be analyzed in order to take the required “hard look” under NEPA and inform the public regarding the potentially significant impacts of the Project. Further, because this document purports to be a TEIR/TPED, under SB 610 and 221, this

A16-74

³⁰ See DEIS at 4.3-4.

level of analysis is mandatory. A Water Supply Assessment in compliance with California Water Code Section 10910-10915, that evaluates the groundwater impact of a project of this size when there are multiple dry years needs to be prepared.

A16-74
(cont.)

In sum, the DEIS' groundwater supply impact analysis is at best confusing, and at worst incorrect. A direct comparison of historical water use versus Project water demand, using equal units of measurement (*i.e.*, average gallons per day or acre feet per year) and accounting for all water uses (*i.e.* Project uses, fire water, and continued ag uses) needs to be presented to adequately inform the public and conduct impact analysis.

A16-75

• **4.3.1 Alternative A, Groundwater, Off-Site Water Supply (Option 2), 4.3-5**

The Draft EIS' discussion of water supply Option 2 (use of water provided by the City) is highly speculative in nature. As noted above in our comments on Option 1, the water needed for the project has not been sufficiently identified in the DEIS.

The DEIS also does not discuss the infrastructure that would be required to connect the Project to the City water service system and does not discuss the physical impacts associated with such infrastructure construction and operation. Instead, in **Appendix I** (page 39), it describes preparing an analysis of the City's system to identify the required facilities, execution of a Utility Service Agreement with the City, payment of connection fees and monthly water rates (including a 25 percent Out of City Surcharge), and providing financing to the City for the construction of the site specific facilities (probably a well, treatment system, storage tank, and transmission mains). This analysis cannot be deferred to some later time, particularly if this document is meant to satisfy the requirements of a TEIR/TPED.

A16-76

For the City and Tribe to negotiate and reach an agreement for the City to provide water service to the Site, an environmental impact analysis is a prerequisite.

• **4.3.1 Alternative A, Groundwater, Groundwater Recharge, 4.3-5**

The Draft EIS contains a single paragraph relating to groundwater recharge on page 4.3-5. The discussion in this paragraph contains no quantitative analysis or explanation to support the conclusion that converting 63 acres of permeable surfaces to impermeable surfaces will have no appreciable impact on groundwater recharge. To satisfy the "hard look" requirement under NEPA, the potentially significant impact of the Project on groundwater recharge must be analyzed. Even if, after undertaking such analysis, it is determined that the impact would be less than significant, to minimize impacts, the BIA should require all runoff to be required to be treated by appropriate stormwater BMPs.

A16-77

4.4 AIR QUALITY

- Alternatives A and B include a casino that will essentially double the daily population of the small Galt community in a day or two, increasing traffic congestion and air pollution. According to other communities with casinos, deterioration of air quality in the vicinity of gaming and resort projects is a significant issue that is largely unaddressed, and the major road improvements needed to prevent development of air pollution "hot spots" take years to construct, under the best of circumstances.³¹ This document needs to analyze and mitigate these impacts.

A16-78

³¹ See "Gambling in the Golden State," pg. 76 available online at <http://oag.ca.gov/sites/all/files/agweb/pdfs/gamblng/GS98.pdf>.

4.5 BIOLOGICAL RESOURCES

- As noted above in our comments on **Section 3.5**, the DEIS failed to recognize the neighboring Galt Swainson's Hawk Habitat Preserve to the immediate west of the subject site that provides natural habitat for both the Swainson's hawk and the Greater Sandhill Crane. **Appendix L**, the biology report, failed to analyze these species.
- Page 4.5-4 identifies the Site as suitable foraging habitat for both Swainson's hawk and the Greater Sandhill Crane. The discussion identifies that the southern portion of the site will remain as suitable foraging habitat and notes that the Swainson's hawk mitigation, in conjunction with the mitigation measures for migratory birds and maintenance of the non-developed portions of the site, would reduce the impacts to less than significant levels. Mitigation measures in **Section 5.5.1** include pre-construction surveys for nesting migratory birds and light and glare; however, mitigation is not included for foraging habitat and mitigation specific to Swainson's hawk. In addition, avoidance of remaining habitat does nothing to mitigate the habitat lost due to development. Consequently, the DEIS is not accurate with regard to reducing impacts on Swainson's hawk to less than significant levels.
- Further, the DEIS failed to analyze numerous aspects of the Project in Alternatives A, B, and C, as described herein such as the extensive grading that may take place to produce the fill needed for development, the above ground storage tanks, and large freeway sign which may be digital or illuminated. These elements of the plan could also affect sensitive species and require analysis and mitigation.
- The Greater Sandhill Crane discussion notes that the site provides winter foraging habitat and that the mitigation measures recommended for Swainson's hawk and nesting migratory birds in **Section 5.5**, as well as the avoidance of the remaining foraging habitat reduced the impact to less than significant levels. Again, mitigation specific to Swainson's hawk is not included and avoidance of remaining habitat does nothing to mitigate the habitat lost due to development.
- Additionally, the discussions regarding the Vernal Pool Fairy Shrimp, Vernal Pool Tadpole Shrimp, Giant Garter Snake, Valley Elderberry Longhorn Beetle and Tricolored Blackbird all indicate that the respective habitats for these species will be maintained by avoidance of development on these portions of the 282-acre Twin Cities site. However, as noted above, and in the letter regarding the ADEIS dated April 13, 2015, there is no guarantee that these portions of the site will be kept in their current agricultural state. If they are to be developed in the future, as both the DEIS and City evidence show is likely, then the statements contained in the DEIS are inaccurate and misleading. Further, if development on the remaining 206 acres of the Twin Cities site is to occur, then the DEIS is lacking any discussion about the site-specific and cumulative impacts of such development on biological resources.

A16-79

A16-80

A16-81

A16-82

A16-83

4.7 SOCIOECONOMIC CONDITIONS

- General comment** - The DEIS fails to analyze the impacts of putting the 282-acre Twin Cities Site into trust by not providing an analysis of revenues and jobs generated, taxes paid, *etc.* under the no action alternative in which the land remains within the City's sphere and is annexed and built out per the City's General Plan and Development Code. The reasons this development is reasonably foreseeable in the near term are discussed above in our comments on **Section 2.8** regarding Alternative G. Further, since the DEIS does not include a discussion of the plans for the development of the remaining 206 acres of the Twin Cities Site, it is not possible to determine at this time the effect development of this Site with

A16-84

commercial uses would have on other commercial sites within the City. This includes undeveloped sites as well as existing centers wherein existing business may be lured to new locations on the Twin Cities site, thus leaving vacancies elsewhere in the City.	A16-84 (cont.)
<ul style="list-style-type: none"> • General comment - The Fiscal Effects discussion lists revenues anticipated to be generated by the Project, including from property taxes, in some sections, but then counters this in other sections. A concise discussion of which revenue sources will and will not occur because the land is put into trust should be included to fairly inform the public about these impacts. 	A16-85
<ul style="list-style-type: none"> • Page 4.7-9 and 4.7-10 – The DEIS states there will be a fiscal impact from the “Counties’ and City of Galt’s evaluation of Alternative A.” What is meant by this statement? Define “evaluation” and explain what incremental costs are contemplated. 	A16-86
<ul style="list-style-type: none"> • Summary of Economic Effects, p. 4.7-16 – The last sentence is inconclusive based upon the lack of analysis noted above. 	A16-87
<ul style="list-style-type: none"> • General Comment - The DEIS acknowledges that there are a relatively large number of casinos in the area (4.7-22), yet fails to analyze whether adding another casino would result in market saturation and/or siphoning off of patrons from those neighboring casinos such that it negatively impacts those communities/tribes. Without this analysis, it is not possible to determine whether the casino alternatives will produce the claimed benefits and meet the purpose and needs of the Tribe. 	A16-88
<ul style="list-style-type: none"> • Substitution Effects, Alternatives A, B and C, 4.7-6 et seq. - The EIS does not adequately address substitution effects from non-casino businesses, which will result in reduced economic activity and tax revenues for the City. <p>The report identifies substitution effects on competing local casinos, however, concludes that because studies regarding effects on non-casino businesses are inconclusive, there will not be negative effects on other local businesses such as hotels, restaurants, retailers, and entertainment related businesses. This ignores the basic principle that patrons have a finite amount of money they will spend on hotels, restaurants, retail and entertainment and introducing a new venue will necessarily come at the cost of other venues. Specifically, under Alternatives A and B, at least some portion of the Project’s restaurant and spa business would come at the expense of local restaurant and entertainment businesses in the City. Under Alternative C, a substantial portion of the increased retail activity at the site would come at the expense of Galt retailers and other businesses.</p> <p>These economic losses would result in reduced tax and other revenues for the City. These negative effects must be netted against any increases in tax revenues stemming from the economic activity generated by the casino or shopping center.</p>	A16-89
<ul style="list-style-type: none"> • Substitution Effects, Alternative C, 4.7-36 et seq. - The substitution effects from Alternative C on local retail businesses are determined to be a significant impact; however, no mitigation is proposed, contrary to the requirements of NEPA.³² 	A16-90

³² See 46 Fed. Reg. 18026, “Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations,” Question #19. “Mitigation measures must be considered even for impacts that by themselves would not be considered ‘significant.’ Once a proposal is considered as a whole to have significant effects, all of its specific effects on the environment (whether or not ‘significant’) must be considered, and mitigation measures must be developed where it is feasible to do so.”

There is a finite amount of retail that can be developed and absorbed within a given market area. Development of the retail center on tribal land would preclude the development of similar retail centers in the City, thereby depriving the City of planned for and much needed tax and other revenue from future commercial development necessary to support City services. As noted in the City's April 13, 2015 response to the ADEIS, mitigation should be provided, including a requirement that the Tribe negotiate an agreement and make payments to the City to make the City whole. Mitigation measures must be proposed to minimize the impacts of the substitution effects on local businesses.

A16-90
(cont.)

- **General Comment - Substitution Effects – Alternatives A, B and C** - Since it is unknown what the Tribe intends to do with the 206 acre remainder of the 282 acres they are seeking to place into trust, it is possible that additional commercial development within the remainder of the 282 acres of trust land would also have significant impacts. However, since the DEIS does not address any plans for the remainder of the site, it is impossible to ascertain the exact level of impact at this time. In light of the known potential impacts of Alternative C, and the potential impacts from future development of the remainder of the Twin Cities Site, mitigation is needed since the majority of any lost revenue from the substitution effects and the elimination of development potential by removing the property from the City's sphere of influence/incorporated boundaries and placing it into trust would impact the City. If, as the DEIS states, the remainder would not be developed, a mitigation measure precluding development thereon is necessary. The DEIS needs to be clear whether agricultural uses would continue or whether the land would be converted to open space or some other use.

A16-91

- **General Comment - Fiscal Effects, Alternatives A, B & C** - Fiscal effects of Alternatives A, B, and C are not adequately identified; these effects must be disaggregated in order to make a determination as to whether the impacts on specific local jurisdictions are significant.

The DEIS indicates (pages ES – 28, 4.7-11, 4.7-31, 4.7-38, etc.) that the lost property taxes resulting from the transfer of the proposed Twin Cities Site into trust would be more than offset by additional tax revenues generated for state and local governments from economic activity associated with construction and operation of the proposed casino. However, the fiscal effects of the proposed development are not separately identified in the report. Neither the amount of the property tax loss, nor the amounts of additional revenue accruing to each local jurisdiction is presented.

Furthermore, no estimate is made of the lost revenues to the City should the Twin Cities Site be prevented from being developed as currently envisioned in the City's General Plan. This should be the basis for any calculation of the net fiscal effect of the Project. Mitigation should be paid to the City for lost property taxes, sales taxes, transient occupancy taxes, assessments and fees resulting from the removal of the Twin Cities Site from the City's tax base (in addition to any revenue losses stemming from the substitution of local economic activity from current businesses to the casino).

A16-92

Because of the lack of such disaggregated estimates, it is not possible to determine from the report whether the lost property and sales taxes and other fiscal effects of the proposed casino would be offset by the increased revenues stemming from the casino development.

The EIS should separately identify not just the total amount of tax revenue accruing to all jurisdictions, but the specific amounts accruing to each individual jurisdiction, including the City of Galt.

- **Fiscal Effects, Alternative A** - The Environmental Effect discussion acknowledges that it is unknown whether any positive tax revenues would outweigh the increased costs of the Project (see e.g. Table ES-

A16-93

1, ES-28). Without factual support, however, it concludes there would be a less than significant net fiscal impact. There is no evidence to support this conclusion.

A16-93
(cont.)

As is described in detail in our comments on the Appendices below, there is substantial evidence to show that the fiscal benefits of Alternative A are overstated and the costs are understated or ignored. Again, this requires a finding of a significant impact and appropriate mitigation.

- **Fiscal Effects, Alternatives A, B and C** - In spite of the fact that the report recognizes the likely development of the site (see *e.g.*, ES-4 and Alternative G), which is reasonably foreseeable in the near term (see our comments on Alternative G), no mitigation measures are included to compensate the City for the loss of revenues that would result should the parcels comprising the site be placed into trust, thereby foreclosing the opportunity for alternative development of the Site. This Site, when annexed and fully developed, would generate a substantial amount of additional taxes, assessments, fees for the City. A substantial fraction of this revenue would be lost to the City in the event that the land is placed into trust. These lost revenues constitute a significant fiscal impact on the City. The level of significance before mitigation should be identified as significant.

A16-94

The mitigation measure discussion should be updated to differentiate between the County and City as well as to reflect that the payments made pursuant to intergovernmental agreements do not simply "provide support for" public services and benefits (see Table ES-1), but are obligations required by the Compact to offset the off-site impacts of the Project.

- **Fiscal Effects, Alternatives A, B and C** - The Project will have numerous direct and indirect fiscal impacts on the City not accounted for in the DEIS. For example, the casino will drive out some established local businesses and attract other gambling-linked businesses, such as payday lenders, pawn shops, auto title lenders, and check cashing stores. As a result, moratoriums, land use studies and zoning changes will be necessary to respond to this new demand.³³ The City will also need to develop a comprehensive sign program for the Project and contingency plans for dealing with traffic congestion and increased levels of law enforcement deployment, particularly during the opening and special events at the casino. Additionally, there will be increased usage of City parks and recreation facilities, and increased maintenance and care of these facilities will be required. The City will need to dedicate staff time to administer the terms of the various service and mitigation agreements with the Tribe and fulfill the various inspection, reporting and monitoring requirements. In light of these examples, mitigations must be imposed requiring the Tribe to offset these impacts via payments and other affirmative actions made under an agreement with the City.

A16-95

- **General Comment, Fiscal Effects, Alternative B-C** - Similar comments to those made above for Alternative A apply to Alternatives B & C. To summarize, the environmental effect discussion acknowledges even less new tax revenue from these alternatives, with an increase in costs, but again fails to conclude there would be a significant net fiscal impact. The effects should be identified as significant, the impacts on the City should be differentiated, and mitigation measures should reflect the requirement that the fiscal effects on local government be fully offset.

A16-96

- **Cumulative Effects - Socioeconomic Conditions, Alternatives A- C** - The environmental effects discussion acknowledges the impacts of the Project on the local labor market, housing, problem gambling and other governmental impacts. Yet, without factual support concludes these cumulative effects would be insignificant for Alternatives A and B due to existing economic and housing capacity

A16-97

³³ See *e.g.*, "Rohnert Park officials prepare for casino growing pains" article in the Press Democrat available online at: <http://www.pressdemocrat.com/csp/mediapool/sites/PressDemocrat/News/storv.csp?cid=2220120&sid=555&fid=181>

regionally. For the reasons stated in this letter, Alternatives A and B should also show significant impacts both before and after mitigation. Mitigation measures should be required for Alternatives A, B and C, to ensure the fiscal effects on local government are minimized.

A16-97
(cont.)

Employment

- **Employment (operation), 4.7-54 -55** – This section is incomplete. Additional analysis is needed to determine the impacts based upon the buildout of the resort casino plus the remainder of the 282-acre Site if in trust in comparison to if the Site were built out per the City's General Plan and Development Code.

A16-98

Social Effects

- **General Comment** – Please refer to our comments on **Appendix N**, below for a detailed critique on the analysis done. In sum, we find the socioeconomic analysis to be fatally flawed, which makes the analysis in **Section 4.7** and the mitigation measures in **Section 5.7** incomplete and inadequate.

A socioeconomic analysis that is more balanced and relevant to the Project was recently incorporated into an FEIS for the Graton Casino in Rohnert Park.³⁴ Per that study, local law enforcement agencies report that the typical crimes and/or calls for service that have increased following a casino opening include, but are not limited to: driving under the influence, personal robbery, credit card fraud, burglaries, auto thefts, traffic collisions, thefts from vehicles/businesses disorderly conduct and assault, nighttime prowlers and suspicious persons, fraud and embezzlement, graffiti/vandalism and false alarms.³⁵ This link to serious crimes is also acknowledged in a report requested by the California Attorney General.³⁶ The increase in crime often occurs after a lag of several years, consistent with the theoretical predictions of the role of problem and pathological gamblers.³⁷

A16-99

A revised analysis of the impacts of the Wilton casino on crime is necessary in order to accurately and adequately evaluate the extent of the socioeconomic impacts and reformed mitigation measures will be necessary.

- **General Comment** - The DEIS can and should provide information on the types of additional law enforcement services and infrastructure that will be needed by local agencies as a result of the proposed Project. This would include, but not be limited to, information about the proportionate responsibility for response to the Site based upon mutual aid and service agreements; the number of new officers required to serve the development; the new vehicles and equipment required to provide law enforcement services; the need for a new substation and the costs and environmental impacts of that infrastructure. The proposed Project would double the City's daily population in a day or two, drawing the public to a gambling venue that promotes alcohol consumption and is primarily accessed by cars. This is a recipe

A16-100

³⁴ See Graton Casino FEIR, Appendix N, Socio-Economic Impact Study for the Proposed Graton Rancheria Hotel/Casino Project available online at http://gratoneis.com/documents/draft_eis/files/appendices/vol2/Appendix_N.pdf. See page 52 *et seq.* and Appendix F: Crime Survey Summary.

³⁵ As predicted by the Graton FEIS and the studies referenced therein, notwithstanding mitigation efforts, Rohnert Park's crime rates have spiked since the opening of the casino in its community, with a distinct increase in these aforementioned types of crimes in the precinct that includes the casino property. See Rohnert Park Public Safety Annual Report on Crime available online at: http://rocity.granicus.com/MetaViewer.php?view_id=3&clip_id=694&meta_id=57221.

³⁶ See "Gambling in the Golden State: 1998 Forward" (May 2006) available online at <http://oag.ca.gov/sites/all/files/agweb/pdfs/gambling/GS98.pdf>

³⁷ See "The Curious Case of Casinos and Crimes" (March 2001) available online at http://uss-mass.org/documents/casinos_and_crime_grinols_mustard.pdf.

for criminal behavior and emergencies. These risks can be managed if they are properly analyzed and mitigated, but the DEIS has not done so.

A16-100
(cont.)

- **General Comment** - The DEIS completely fails to describe the secondary impacts of crime on the City, such as: (a) the costs to victims of crimes in the local community and (b) the need for municipal code changes to address nuisance businesses (such as secondhand stores and check cashing businesses) and nuisance behavior (such as panhandling, prostitution, *etc.*) attracted to the clientele of a hotel/casino/resort.³⁸ The EIS also needs to account for proximity of crimes to occur in Galt. In other words, while there may be statistics identifying average increases in crimes throughout the county, Galt would experience a higher proportion of the overall number of crimes that will occur in its community given the proximity of its population to the Project. This information must be used to achieve effective mitigation of this significant impact.

A16-101

- **General Comment** – The DEIS seems to conflate contracting for law enforcement services with the appropriate mitigation of the increased crime. The availability of law enforcement services does not eliminate the impacts of crime on the Galt community and beyond. Indeed, according to the literature, it is the norm for California tribes to make annual payments to affected communities to mitigate crime impacts from casinos, separate and apart from the payments made for law enforcement services and criminal justice system costs.³⁹ The City of Galt will be the most directly impacted by any increase in crime, regardless of whether its Police Department provides the Tribe with law enforcement services. Thus, the DEIS needs to acknowledge that a combination of funding for law enforcement services, criminal justice system costs and crime impact mitigation is necessary to mitigate the crime impacts to a less than significant level.

A16-102

- **Page 4.7-22** – The first sentence of the second paragraph on this page concludes that there would be no anticipated significant increase in problem gambling rates in the local area due to the relatively large number of existing casinos in the greater Sacramento area. This conclusion needs to be quantified in much greater detail. For instance, how is “relatively large number of casinos” quantified? Additionally, there are no casinos in the immediate Galt area and therefore, why wouldn’t the Project create an increase in problem gambling in the immediate (Galt) area, since this would bring a casino to a location that would be close and convenient to the local population, where one does not currently exist.

A16-103

Additionally, this paragraph mentions a 2011 MOU between the Tribe and local cities and Sacramento County. However, Galt is not a party to this. Therefore, mitigation will be necessary for Galt to obtain/provide services for its residents.

- **Pages 4.7-22 to 24** – the DEIS does not assess the amount of crime associated with the entire Twin Cities Site, including the casino resort and buildout of the remaining 206 acres, so this analysis is incomplete.
- **Page 4.7-24** – The second full paragraph (beginning with: “Below are two methods...”) states that the following analysis does not include the likely decreases in crime associated with a lower unemployment level. However, as a recent study in criminology’s flagship journal notes, “The association between unemployment and crime remains a matter of debate...[I]t remains unclear whether unemployment causes crime or whether both are a reflection of underlying traits in the people most likely to become

A16-104

A16-105

³⁸ See Rohnert Park Graton Mitigation Program Budget 2014-15 Year End Update showing the need to expend mitigation funds on efforts to revise municipal code related to nuisance businesses and behavior, available online at:

http://rpcity.granicus.com/MetaViewer.php?view_id=3&clip_id=698&meta_id=57680.

³⁹ http://gratoneis.com/documents/final_eis/files/appendices/vol2/Appendix_N.pdf. See also, Graton FEIS at page 5-32.

unemployed and criminally active.”⁴⁰ In addition, studies of unemployment levels and crime rates (such as in cities, counties, or states) often reach different conclusions than studies of individual-level criminality as it relates to a person’s employment status. Unemployment may be connected to specific crime types, but the relationship is complex. Blanket assertions that more employment in an area will result in crime reductions are shaky and largely unsupportable.

A16-105
(cont.)

- **Page 4.7-25, Table 4.7-16** – What are the assumptions noted in the footnotes based upon?
- **Page 4.7-27** – The summarizing paragraph for the section regarding crime is lacking a discussion of the growth-induced increase in crime and costs for service.

A16-106

A16-107

Community Effects – Schools

- **Page 4.7-27** – This paragraph should include a statement regarding the payment of development impact fees to the school districts that will serve the site.

A16-108

4.7.3 Alternative C – Retail on Twin Cities Site, Economic Effects, Substitution Effects

- **Page 4.7-36** - The discussion of the substitution effects of Alternative C on existing businesses in Galt needs to include an assessment of whether existing merchants will be impacted severely enough that they are forced out of business, and if so, whether such displacement would lead to long-term vacancies and deterioration of buildings, which would ultimately culminate in adverse physical changes that lead to conditions consistent with blight. Further, additional analysis is needed on the Alternative’s effect on undeveloped properties designated for commercial uses in the City. If the Twin Cities site is taken into trust and subsequently built out with commercial uses, the impacts on the City of Galt – *i.e.*, loss of property tax revenues, revenues from sales taxes paid, permit and impact fees paid, *etc.* – need to be evaluated.

A16-109

4.8 TRANSPORTATION/CIRCULATION

4.8.1 Analysis Methodology

- **General Comment** - It appears that the DEIS skips identification of current existing traffic baseline conditions and inappropriately starts its traffic baseline in 2018 (adding anticipated near-term traffic to 2014 traffic data provided by the City and actual traffic counts taken by Kimley Horn in 2014 for intersections and roadway segments not included in the City-provided data.) A typical traffic impact analyses identifies the current baseline conditions and provides impact analysis for existing plus Project, near-term cumulative plus Project and long-term cumulative plus Project scenarios. In other words, it appears that the DEIS did not calculate/isolate traffic impacts under the existing conditions plus Project scenario.

A16-110

4.8.2 Alternative A – Twin Cities Casino Resort

- **Pages 4.8-12 to 13** contain discussions regarding impacts to Grant Line Road (within **Table 4.8-6** and in the paragraphs below the table, and in Table 4.8-7). However, since the Alternative A site, Twin Cities,

A16-111

⁴⁰ See “Examining the Generality of the Unemployment-Crime Association” in *Criminology*, Volume 00, Number 0 (2013) available online at http://rethinking.catalvstdemo.net.nz/eserv/ncp:761/Examining_the_generality_of_the_unem.pdf.

is located in the City of Galt's sphere of influence and Grant Line Road is located in Elk Grove (location of Alternative F), how is this discussion applicable to Alternative A?

A16-111
(cont.)

- The City does not support the proposed mitigation referenced on **Page 4.8-16** and detailed in **Section 5.8** of closing/abandoning West Stockton Boulevard. The connection of West Stockton Blvd. from Mingo Road to Twin Cities Road is part of the City's circulation systems in the City's General Plan. Closing West Stockton Blvd will make local trips use Highway 99, which Caltrans does not support. Additionally, West Stockton Blvd. would create a secondary point of access for Wilton Rancheria Casino, which is necessary to provide emergency access by police and fire departments. The analysis and mitigation measures must be revised accordingly.

A16-112

4.9 LAND USE

4.9.1 ALTERNATIVE A – TWIN CITIES CASINO RESORT

- **General Comment** - The DEIS is lacking with respect to its analysis of the compatibility of the construction and operation of a large-scale, Vegas-style gaming and resort complex under Alternatives A and B next to potentially incompatible rural residential, agricultural, wildlife refuge and open space uses.⁴¹ The DEIS merely states that the Project "would not physically disrupt neighboring land uses" and would not "conflict with neighboring land uses" and cursorily concludes that "significant land use effects would not occur."⁴² The Draft EIS does not provide sufficient evidence to support this conclusion.

A16-113

As we have noted, a casino is not a listed use in the City's land use policies. Contrary to the DEIS's statement on page **4.9-1** otherwise, Alternatives A and B would be in direct conflict with an extensive list of the City's land use policies, goals and objectives. Further, the DEIS contains evidence of significant land use impacts associated with siting of casinos, such as a change in community character, decrease in neighboring property values,⁴³ and a spike in criminal activity.⁴⁴ NEPA requires that these inconsistencies be reconciled and that the City's concerns with respect to land use incompatibilities receive special consideration. The DEIS fails to satisfy these requirements.

- **General Comment** – The DEIS fails to clearly state the threshold of significance for a land use impact. Conflicting with applicable land use plans, policies and goals, for example, or physically changing the environment in a way that is substantially incompatible with existing land uses, are examples of impacts that should be considered significant and properly mitigated.

A16-114

- **Page 4.9-1** – A conclusion is made that Alternative A would be consistent with most, but not all, goals, objectives, and policies of the City (of Galt's General Plan). This is an inaccurate conclusion in that the City's General Plan calls for commercial, industrial and office uses for the Twin Cities site, whereas the proposal for Alternative A (as well as Alternatives B and C) eliminate the industrial and office land uses altogether, and appear to propose agricultural uses for the remaining 206 acres of the site not proposed for development. Additionally, while a casino and hotel may fall under a commercial zoning designation, casinos are not a permitted use in the Galt Development Code. The conclusion should be

A16-115

⁴¹ See Draft EIS at 3.9-11 to 3.9-12.

⁴² See Draft EIS at 4.9-1.

⁴³ See Draft EIS at 4.7-13 citing the NAR Report "The Impact of a Casino on Home prices in the Vicinity of the Casino is Generally Negative."

⁴⁴ See Draft EIS 4.7-22 to 27 and Appendix N and our comments thereon.

revised to state that Alternative A is inconsistent with numerous goals, objectives and policies of the City.

A16-115
(cont.)

Table 4.9-2: City of Galt General Plan Consistency – Alternatives A, B and C

- The DEIS's description in **Table 4.9-2** of the Project's consistency with the City's various General Plan policies is inaccurate and unsubstantiated. The City believes the Project would be inconsistent with key City General Plan 2030 policies, including the following:
 - LU-1.1 – As described herein, the City will annex the Project site prior to Project construction and operation.
 - LU-1.2 – While the Project site may be located within Phase II, the General Plan Land Use map calls for commercial, office and industrial uses, which are different than what is being proposed with these Alternatives. Therefore, how is a resort casino consistent with this policy?
 - LU-1.7 – See our comments on **Section 4.7** and the related **Appendices N and U** for a discussion of the inadequate / inaccurate analysis of fiscal impacts of the Project on the City.
 - LU-1.12 – See our comments in **Section 5** on the mitigation measures regarding need to enhance mitigation measures to require fair share payments.
 - LU-2.3 – The DEIS refers only to **Section 2.0** which does not contain evidence demonstrating that it maximizes smart growth or sustainable land use practices such as solar power, permeable surfaces, and walking/biking connections. For example, the consistency conclusion is incomplete in that the DEIS does not address pedestrian or neighborhood connections. Further, since the portion of the site proposed to be developed will not be connected to existing development, this can be construed as sprawl, which is the opposite of using Smart Growth Principles and sustainable land use practices.
 - LU-2.4 – The mitigation is inadequate for the reasons described above. For example, using native building materials will not mask a 12-story building in a community with 50-foot height limits. Nor will it address the glare or shadows caused by such a massive building.
 - C-1.3 – The Twin Cities/Carillion, Marengo and Cherokee intersections are outside the ¼ mile from state routes and the target LOS should be D, not E.
 - C-1.9 – The Mingo Road interchange should be part of the Project description, not a mitigation measure.
 - C-3.2 – The Twin Cities Site is adjacent to residential areas and the Project will directly impact the streets in those areas, which do not have adequate infrastructure to handle the projected increase in traffic.
 - CC-1.11 and COS-2.9– The DEIS does not analyze the freeway sign (height, message boards, light intensity, impact on adjacent sensitive species, nighttime lighting of the sky, etc.) or proposed mitigation. Therefore it is inconsistent with this policy.
 - PFS-1.2 , 1.4 and 1.9 – See our comments on the need to revise mitigation measures regarding off-site service connections.
 - PFS-2.2 – See our comments on the groundwater analysis regarding the inaccurate calculations and other inadequacies.
 - PFS-3.4 – The option of on-site treatment would be in direct violation of this policy which requires sewerage; a permanent WWTP is within the scope of a package treatment plant.
 - PFS-6.4 – See our comments on inadequate crime analysis in the sections on socioeconomics.
 - PFS-6.5 – See our comments on the necessary revisions to the DEIS re the analysis of and mitigation measures for police services.

A16-116

Again, the Tribe is obligated to make a good faith effort to mitigate all direct and indirect impacts associated with Project construction and operation. The DEIS' finding that these land use policies are of no import once the land is taken into trust does not satisfy this obligation. Nor does it satisfy the obligation of 40 CFR Sections 1502.16 and 1506.2, which require the impact statements to discuss the objectives of the local land use plans and policies for the area concerned and reconcile the proposed action with the plan.⁴⁵ The BIA is obligated to carefully acknowledge and answer in the EIS whether there are any possibilities of resolving the conflicts and what mitigation measures are being imposed to lessen adverse impacts of the proposal.⁴⁶

A16-117

- The analysis is incomplete as it does not discuss all applicable policies. The DEIS needs to add/include discussions of the following Policies: COS-2.1 (sensitive species protection); COS-7.3 (VMT reduction); COS-7.4, 7.5 and 7.6 (energy efficient buildings, design); Policy PFS-2.7 (water infrastructure); PFS-2.9 (water conservation); PFS-2.13 (reclaimed water); PFS-4.4 (project design-stormwater); PFS-4.6 (erosion control plan); PFS-4.7 (stormwater runoff); and SS-4.5 (firefighting resources); LU-1.6 (orderly growth); Policy C-1.2 (street planning); Policies C-4.4 and C-4.7 (parking lot visibility and size).

A16-118

Land Use – Agriculture

- **Page 4.9-11** - The DEIS fails to evaluate the magnitude of impact associated with removing the 76 acres of agricultural land that has significance as farmland (and that Sacramento County has particular replacement mitigation requirements for such land).⁴⁷ The DEIS merely states that, because the Project site will be taken into trust and become "reservation land," regulations regarding the removal of farmland will no longer apply.⁴⁸ The DEIS also alternatively argues that, because the impact associated with the removal of 76 acres of farmland can be quantified as falling below particular federal protection thresholds, impacts to farmland are less than significant.⁴⁹ Doing nothing to compensate for loss of agricultural land simply because the land becomes trust land does not represent a good faith effort to work cooperatively with local agencies on land use matters or mitigate all direct and indirect impacts associated with the construction and operation of the Project.⁵⁰ The Draft EIS' alternative explanation is also lacking. Under NEPA, mitigation measures must be proposed for all project-related impacts, even those determined to be less than significant. Here, no mitigation is provided for the removal of 76 acres of significant farmland.⁵¹ As in other areas of the DEIS, because no threshold of significance was established, the conclusion that a less than significant impact occurs from converting 76 acres of farmland is meaningless. The Sacramento County General Plan Policy AG-5 requires mitigation at a 1:1 ratio for conversion of over 50 acres of farmland. Thus, per the County's thresholds, converting over 50 acres does have significant impacts that require mitigation. However, contrary to NEPA's requirements, there is no discussion regarding proposed mitigation per this General Plan policy. We recommend that the Tribe comply with the County's replacement ratio as appropriate mitigation of this impact.

A16-119

⁴⁵ See, CEQ's 40 Questions, supra, at Question #23. Notably, this guidance document makes clear that "Proposed plans...being pursued by officials of the jurisdiction" and "proposals for action such as the initiation of a planning process" must be analyzed for conflicts between the federal proposal with local land use plans, policies and controls. This is the case with the City's annexation proceeding.

⁴⁶ Id.; 40 CFR Section 1505.2.

⁴⁷ See Draft EIS at 3.9-11 to 3.9-12.

⁴⁸ See Draft EIS at 4.9-1, 4.9-11.

⁴⁹ See DEIR at 4.9-11.

⁵⁰ See Draft EIS at 4.9-1.

⁵¹ See Draft EIS at 5-26.

- **Page 4.9-11** – The second paragraph on this page states that the majority of the Twin Cities site would remain in agriculture. As noted above, is this to be in perpetuity? If so, a discussion of how this will occur is needed. If not, then this is a misleading statement and as noted above, the DEIS is incomplete due to a lack of discussion of potential environmental consequences associated with future development of the remainder of the Site.

A16-120

- Note that these comments are generally applicable also to the discussion of agriculture under Alternative B (page 4.9-12).

A16-121

Alternative C – Land Use

- **Page 4.9-12** – The DEIS concludes that Alternative C would be consistent with most goals, objectives and policies of the County and the City. While Alternative C would be more consistent with the City of Galt General Plan than would Alternatives A and B, an expanded discussion is needed to demonstrate the differences in the level of consistency between this Alternative and Alternatives A and B in order to support this conclusion. Developing the 76 acres commercially and keeping the remainder in agriculture is not the same as the City's vision of the site which would involve a mix of commercial, office and industrial uses.

A16-122

Alternative C – Agriculture

- The paragraph on the top of page 4.9-13 needs to be revised in that it incorrectly states that Alternative C would convert 76 acres of the Twin Cities site to a casino-resort facility, whereas throughout the remainder of the DEIS, Alternative C is described as a retail center with no resort or casino component. The comments noted above regarding Alternative A also need to be incorporated into the discussion regarding Alternative C. For this reason, many of our comments above are applicable here.

A16-123

4.10 PUBLIC SERVICES

- **General Comment** – The DEIS fails to evaluate the impacts of the Project on City services besides water supply, wastewater supply and law enforcement. The casino will service 10,000 people or more per day in a community that has a population of only 25,000 people. Doubling Galt's daily population in a day or two will have proportionate off-site impacts and trigger the demand for the full spectrum of government services. For example, Alternatives A, B and C will also have impacts on the City's parks and public works department, including triggering public street, signal and infrastructure maintenance/improvements, litter removal, increased park and recreation maintenance, and traffic control efforts. The DEIS assumes that casino employees and patrons will spend money in retail establishments in the Galt community, yet fails to acknowledge that there will similarly be increased demands on City parks, libraries and other recreation amenities. These impacts must be accounted for and mitigated appropriately.

A16-124

- **4.10.1 Alternative A- Twin Cities Casino Resort, Water Supply** - See our comments above in Section 4.3 (Water Resources) detailing our concerns about the inadequacies of the impact analysis on water supply. The Tribe's preferred option – the off-site water supply (Option 2) is to connect to the City's system. However, there is no current physical connection at the Site and there is currently no signed agreement for water services between the City and the Tribe, thus the DEIS correctly identifies this impact as significant and includes mitigation measures designed to reduce impacts to less than significant level. However, we have additional comments on the inadequacies of the mitigation measures, below.

A16-125

- 4.10.1 Alternative A- Twin Cities Casino Resort, Wastewater Supply** - See our comments in **Section 4.3** (Water Resources) above detailing our concerns about the inadequacies of the impact analysis on wastewater system. The Tribe's preferred option – the off-site wastewater supply (Option 2) is to connect to the City's sewer system. The City's WWTP is nearing capacity and a planned expansion is necessary. There is currently no physical connection to the Site or a signed agreement for wastewater services between the City and the Tribe. Thus, the DEIS correctly identifies this impact as significant and includes mitigation measures designed to reduce impacts to less than significant level. However, we have additional comments on the inadequacies of the mitigation measures, below.

A16-126

- 4.10.1 Alternative A- Twin Cities Casino Resort, Law Enforcement** - See our comments in **Section 4.7** and in **Appendix N** detailing our concerns about the inadequacies of the analysis of the impact on law enforcement. The City has the closest police station to the Twin Cities Site and one option is for the Tribe to contract with the City for law enforcement services. Regardless of which entity contracts for service, the City will be required to serve the Site under applicable mutual aid obligations, the impact of which needs to be analyzed in the DEIS. For the reasons described in this letter, the analysis of the demand for services is seriously flawed and the need for additional facilities, equipment, and staffing required to meet the increased demand is understated. The impact of the Project on the City would be significant and the mitigation measures proposed must be revised as described herein to reduce impacts to a less than significant level.

A16-127

- General Comment** – The above comments are generally applicable to Alternatives B and C as well.

A16-128

4.11 NOISE

- General Comment** - The DEIS only references the non-transportation noise thresholds identified in the Galt General Plan. The DEIS should recognize the Land Use Compatibility Chart from the General Plan which identifies acceptable noise levels.

A16-129

- General Comment** – The DEIS only references Federal and County standards regarding noise from construction and traffic increases on Highway 99 and Twin Cities Road. City standards should be referenced as well.

A16-130

4.13 AESTHETICS

- Page 4.13-1** - The DEIS states that urban nature of the Project would not be incompatible with other urban uses in the "immediate" vicinity. However, the visual simulations of **Figure 4.13-1** show that the 12 story and 6-7 story casino (*see Figure 2-2*) are the only urban features in the immediate vicinity, which is otherwise rural-agricultural in nature. As such, the DEIS' conclusion that the Project would be in harmony with the aesthetic features of the surrounding landscape is not supported by substantial evidence and is, in fact, plainly contradicted by the evidence (*see Figure 2-2*). The impacts that Alternatives A and B would have in terms of altering the visual resources and aesthetics of the surrounding neighborhood must be considered significant.

A16-131

- Page 4.13-1** - The DEIS acknowledges that the Project would impact a designated aesthetic resource, specifically the portion of Twin Cities Road that runs adjacent to the Site. In designating this portion as an aesthetic resource, Sacramento County provided as follows:

A16-132

One additional road that warrants scenic corridor protection is Twin Cities Road from Highway 160 east to Highway 99. This road travels through rich farm lands and riparian lands of the Cosumnes River and Snodgrass Slough areas. It, like the three above, runs mostly through planned Permanent Agricultural land and is agriculturally zoned.⁵²

A16-132
(cont.)

The Project will dramatically alter the viewshed for those traveling along this road. Travelers will no longer see "rich farm lands" or "riparian lands" at the Site, but will instead see a large commercial gaming and resort establishment with expansive paved parking lots, with several large above-ground water and wastewater tanks (see **Figures 2-1** and **2-2**). Nevertheless the DEIS concludes that the impact to aesthetic resources is less-than-significant and provides no mitigation measures to reduce or avoid this impact.⁵³ This finding is not supported by substantial evidence.

- The DEIS at **page 4.13-3** makes an extremely conclusory statement regarding the Project's consistency with the City's 2030 General Plan land use designations. While it is true that 2030 General Plan proposes some commercial use at the Site, there is nothing to suggest that the proposed height, massing and scale of the casino Project would be consistent with the City's proposed future commercial zoning designation. In fact, all areas within the current City limits that are zoned for commercial uses contain smaller-scale retail establishments, none of which exceed 2-3 stories in height.

A16-133

- **General Comment** - Moreover, the DEIS ignores the fact that the remainder of the Site is earmarked for office professional and light industrial uses. None of the Project components (casino, hotel, vast surface parking lots and effluent disposal areas) are compatible with these two future zoning designations.⁵⁴ This incompatibility of uses is not addressed or reconciled in the DEIS, as is required by 40 CFR 1506.2.

A16-134

- **General Comment** - The description of Alternative A and B notes that the casino and hotel would be identified by a large sign placed near the freeway that would be visible to travelers on Hwy 99. A detailed description of the height, area, materials, and illumination is not provided. Typically, such casinos have a large electronic message board. The photo simulations show a large sign a significant distance from the buildings and with an appearance of several stories in height. The aesthetic (or other) impacts of this sign are not addressed in any of the environmental consequences discussion. A full description of the sign is needed in the description of the Alternatives and an analysis of the aesthetic impacts must be provided in **Section 4.13**. Further, please note that animated signs are and billboards are not a permitted use per the City's Development Code (Sections 18.56.050.D and 18.56.050.I, respectively).

A16-135

- **Figure 4.13-1** - With respect to light and glare, the visual simulations presented in the DEIS at **Figure 4.13-1** depict an extremely large, stand-alone electronic sign that will presumably flash digital advertisements 24-7 as is typical of other tribal gaming facility signs. However, this new source of light and glare is not addressed in the **Section 4.13** of the Draft EIS and no mitigation is provided for this new source of light and glare.

A16-136

- **General Comment** - The aesthetic impact discussion of the proposed Project notes that the City's General Plan anticipates that the site would be developed for commercial, office and industrial land uses so the Project is consistent. While the City's General Plan does designate the site for commercial uses,

A16-137

⁵² See Sacramento County General Plan, Circulation Element p. 33.

⁵³ See DEIS at 4.13-3, 5-32.

⁵⁴ See DEIS **Figure 2-1**, Galt General Plan 2030 Figure LU-1.

the City's Development Code limits heights to 50 feet. Therefore, the 275-foot tall hotel structure is over five times the height allowed and is not consistent with the type of development anticipated in the City's General Plan. Due to the amount of land proposed to be taken into trust (282 acres), there does not appear to be a reason as to why the height of any structure associated with this Project needs to be taller than 50 feet. A height of 275 feet is not consistent with any development in the vicinity of the Twin Cities Site.

A16-137
(cont.)

- **Operational Impacts, 4.13-3** - The conclusion of the DEIS that the development would not be visually incompatible with urban development in the immediate vicinity along the Highway 99 corridor is incorrect, not only due to the height of the proposed hotel, but also because there is no urban development anywhere in the immediate vicinity of the Site. Additionally, the statement found on the top of page 4.13-3 which reads: "Alternative A would result in a visually cohesive development that may be considered more aesthetically pleasing than other regional strip development" is highly speculative. How is this statement quantified? What "other regional commercial strip development" is the proposed resort/casino being compared against? This sentence should be deleted. Moreover, the statements made in the remainder of this paragraph with regard to the previous modifications to the site by agricultural uses and cellular towers and that the proposed architecture would not be out of character with typical roadside development along Highway 99 are also misleading or incorrect. The proposed 275-foot tall hotel building will be much more massive and noticeable to viewers than are cellular antennas and as stated above, there is no development along this portion of Highway 99 in the immediate vicinity of the proposed casino site. Further, the City of Galt General Plan EIR concluded that the future development of the City would change the visual character from rural agricultural to urban development and that this impact would be significant and unavoidable (this would apply to Alternatives A, B and C).

A16-138

- **Operational Impacts, 4.13-3** - In addition, the statement in the DEIS that the motorists traveling on Highway 99 would only view the Project for a short time is incorrect. Because of the height of the building and the fact that no building exceeds two stories for miles from the Site, the Project would be visible for a great deal of time for motorists traveling along Highway 99. Further, while vantage points from along Highway 99 were depicted in the DEIS, vantage points from along Twin Cities Road were not included, although they were requested in the City's previous response to the ADEIS, dated April 13, 2015. Due to the proximity of the project to Twin Cities Road and the proposed 275-foot height of the hotel tower, it is necessary to provide vantage points from Twin Cities Road and not just from along Highway 99 in order to provide a more complete analysis of the potential aesthetic impact of the Project on the properties within the City of Galt to the south.

A16-139

- **Operational Impacts, 4.13-3** - The environmental consequences discussion notes that mitigation measures would further reduce the impacts. The mitigation measures identified in Section 5.13 primarily relate to building and parking lot lighting. Mitigation is not included for anything related to the large free-standing sign. The mitigation also notes that design elements be incorporated into the Project to minimize the impact of buildings and parking lots. The elements identified in the mitigation reference landscaping. Landscaping cannot minimize the impacts of a 275-foot tall building.

A16-140

- **Page 4.13-7** – viewpoints of Alternative D are mentioned in the discussion of the Project, but are not actually provided in the DEIS. This is also the case for Alternative F (refer to page 4.13-11).

A16-141

4.14 INDIRECT AND GROWTH-INDUCING EFFECTS

- **Section 4.14.3** – This section identifies the growth-inducing effects of the proposed alternatives. The effects addressed include the need for housing due to increased employment and potential commercial growth due to the increased fiscal output. The growth-inducing effects should also address the potential impacts due to the new full interchange at Mingo Road and Highway 99.

A16-142

4.15 CUMULATIVE EFFECTS

- **General Comment** - Consistent with the Project description notes above, the cumulative effects should include the full-buildout potential of the 282-acre site, rather than just the 76 acres.

A16-143

- In addition, **Table 4.15-1** requires updating as follows: (a) Walker Park is 50 acres in size; (b) delete reference to the Village at Lexington Heights, as this Project is built-out; (c) Cedar Flats Estates is 30 acres in size; and (d) Eastview/Liberty Ranch is 504 acres in size, with up to 1744 residential units.

A16-144

- **Land Use, p. 4.15-18** – As noted above, the proposed casino is a use that is not currently allowed by the Galt Development Code or the considered in the City's General Plan. Further, since the Project is being proposed in the middle of agricultural fields and away from any existing development, it can be considered urban sprawl. Consequently, the Project is not consistent with the City's General Plan or Development Code in these capacities and the Project could result in an adverse cumulative effect to land use planning.

A16-145

- **Fire Protection and EMS, p. 4.15-21** - Revise the first sentence to reflect that fire service is provided by the CCSD Fire Department and not the City of Galt nor the County of Sacramento.

A16-146

- **Aesthetics, p. 4.15-23** - As noted above, the proposed 275-foot tall 12-story hotel building per Alternative A is not consistent with City regulations. Further, as noted above, the City of Galt General Plan EIR concluded that the future development of the City would change the visual character from rural agricultural to urban development and that this impact would be significant and unavoidable.

A16-147

- **Aesthetics, p. 4.15-23** - Although the development per Alternative B would remain significant and unavoidable, the aesthetic impacts would be reduced due to the elimination of the hotel tower from the proposal. The reduction of aesthetic impacts should be discussed further in this section.

A16-148

- **Alternative C, p. Aesthetics, p. 4.15-23** - The conclusion that is provided for Alternative C is not entirely accurate. Alternative C is the only alternative that is compatible with the City's General Plan Land Use Map and therefore the differences between this alternative and Alternatives A and B need to be vetted out further. Additionally, as with Alternative B, although the development per Alternative C would remain significant and unavoidable, the aesthetic impacts would be reduced due to the elimination of the hotel tower from the proposal. The reduction of aesthetic impacts should be discussed further in this section.

A16-149

- **Alternative C Non-Gaming Substitution Effects, p. 4.15-30** – While staff agrees that the overall impacts would be significant and unavoidable, the discussion and conclusion are inaccurate and do not provide a nexus between the impacts and conclusion. Additionally, the only business discussed in the paragraph is the Raley's Market. However, a Wal-Mart Supercenter opened in June 2014 across the street from Raley's and it is not discussed, nor are other businesses such as Tractor Supply, Save-Mart,

A16-150

etc. Further, as noted above, a discussion of the Project's potential effects on vacant commercially zoned properties in the City is also needed.

A16-150
(cont.)

5.0 MITIGATION MEASURES

5.1 Introduction

- In general, as noted above, the discussions of the environmental consequences for Alternatives A, B and C only pertain to the buildout of 76 of the overall 282 acres at the Twin Cities Site proposed to be taken into trust. While the DEIS mentions that the remaining acres would continue to be used for agricultural purposes, there is no discussion of whether this would be in perpetuity, nor are the cumulative environmental impacts of such continued use evaluated in conjunction with the proposed Projects. Because the impacts have not been properly identified or analyzed, it is not possible at this time to determine the adequacy of the mitigation measures proposed for Alternatives A, B and C.
- Additionally, the mitigation measures should, in general, identify the timing and the entity responsible for overseeing the implementation of the mitigation measure. For example, **Water Resources Mitigation Measure I** notes that the Tribe shall implement water conservation measures, which may include but are not limited to..., and lists several options. Who determines which options are appropriate and ensures that they are incorporated into the plans? Another example is **Air Quality Mitigation Measure B1**, which requires that the Tribe control criteria pollutants and GHG emissions during construction and the measure lists how. The measure concludes that the Tribe shall employ periodic and unscheduled inspections to accomplish the mitigation. This is allowing the Tribe to monitor itself without oversight. Other mitigation measures state "to the extent practical." Who determines what is practical? These examples illustrate the inadequacy of the current drafting of the mitigation measures.
- A number of other mitigation measures are not quantifiable. For example, to reduce CO₂, **Air Quality Mitigation Measure C7** requires the Tribe to plant trees and vegetation on-site or fund such plantings off site. There is no means provided to know if compliance with this measure has been accomplished. Who reviews the Tribe's action to determine if compliance has been achieved? **Public Services Mitigation Measure I** states that parking areas will be well lit. How is "well lit" measured? For the Twin Cities Site, the parking areas should be lit to the standards of the City of Galt. These are just a couple of illustrations of the issues associated with the mitigation measures. All measures should be reviewed and rewritten to include measurable standards and note which entity is the overseeing entity that must review for compliance.
- Per the CEQ Regulations for Implementing NEPA, 40 CFR § 1505.2, all practicable mitigation measures must be adopted to minimize the environmental effects, otherwise the BIA must state why such measures were not adopted. Thus, each mitigation section should reiterate the level of significance the Project has on that resource and specify the level of significance of the impacts following implementation of the measures. If a mitigation measure is not being imposed as infeasible, that should be explained and the document should discuss any significant impact that remains even with mitigation.
- Please note that in addition to commenting on the DEIS's mitigation measures, we have proposed additional mitigation measures that reflect standard requirements and best practices for such development. These measures are recognized for minimizing environmental impacts and generally accepted as practicable and not cost prohibitive and have been included in similar tribal casino Projects.

A16-151

A16-152

A16-153

A16-154

A16-155

Accordingly, if the BIA does not incorporate them, an explanation of why it is infeasible would be necessary to satisfy NEPA requirements.

A16-155
(cont.)

5.2 Geology and Soils

- Add a new mitigation measure for Alternatives A, B and C requiring the Tribe to prepare a revised drainage study that is acceptable to the City. At a minimum the revised study shall:
 - Resize the detention basins for the larger of the 100-Year, 24-hour storm event and the 100-year, 10-day storm event using the Sacramento City/County Drainage Manual, Volume 2 Hydrology Standards. The resizing should also use a hydrologic/hydraulic modeling of both pre-development and post-development conditions. Detention/retention basin analysis shall be based on the worst-case storm duration and performed using an approved computer program such as SacCalc, HEC-RAS (unsteady) or XPSTORM/XPSWMM.
 - Ensure the total detention basin volumes are the sum of the drainage volumes and the water quality volume. Flood detention volume shall be calculated (and provided) separately from the water quality volume in detention basins that provide both flood detention and stormwater quality treatment. For the purposes of this standard, the water quality volume is defined as the entire basin volume which drains through the restrictive outlet designed to meet stormwater quality treatment requirements (i.e., the entire volume beneath the 100-year high discharge weir or pipe) plus the volume that is contained in a permanent pool beneath the elevation of the lowest discharge outlet.
 - Evaluate potential off-site impacts (both upstream and downstream) with hydrologic/hydraulic computer models of existing conditions and the proposed system.
 - Evaluate potential off-site impacts (both upstream and downstream) with hydrologic/hydraulic computer models of existing conditions and the proposed system that includes quality, pollutant, and degradation studies.
- Add a new mitigation measure for Alternatives A, B and C requiring the Tribe to take the following actions:
 - Monitor electrical conductivity, temperature, and dissolved oxygen, and Priority Pollutants in Laguna Creek upstream and downstream of the WWTP discharge channel and provide annual evaluations regarding the water quality trends due to the Project discharges.
 - Evaluate the remnants of Skunk Creek drainage regarding capacity. The evaluation should include the WWTP discharge and surrounding irrigation discharges.
 - Evaluate drainage needs if direct discharge of direct Project runoff flows into Laguna Creek rather than into the WWTP discharge channel (Skunk Creek remnant drainage).
 - Implement a Hydromodification Management Plan and post-construction source and treatment controls consistent and pursuant to Sacramento Stormwater Quality Partnership final draft STORMWATER QUALITY DESIGN MANUAL for the Sacramento Region, May 2014.

A16-156

A16-157

- Add a mitigation measure for Alternatives A, B and C requiring the Tribe to conduct all grading and clearing after April 15 and before October 15 of any year, depending on rainfall and/or site conditions to minimize erosion. Access roads and routes will be limited, as well as the construction staging area, to the minimum size required to achieve the goals of the Project. A speed limit of 15 mph on dirt roads shall be maintained. These practices will limit erosion and dust borne particles.
- Add a mitigation measure requiring all construction be designed in compliance with the California Building Code (CBC) Building Code (Article VI Chapter 6.04) current at the start of construction such that risks to the health or safety of workers or members of the public from earthquake hazards are reduced to a less-than-significant level.

A16-157
(cont.)

5.3 Water Resources

5.3.1 Wastewater

- The second sentence of **Mitigation Measure A** should be revised to read:

The Tribe shall apply for and obtain all applicable permits and approvals from the US EPA and/or state/regional water quality control boards prior to operation.

A16-158

- If the off-site (Option 2) service is used, add a mitigation measure for Alternatives A, B and C requiring that, as is described in **Appendix I**, pages 16 and 40, if the City is to be the wastewater service provider, the Tribe shall enter into a Utility Service Agreement acceptable to the City that covers the cost of preparing the sewer conveyance and wastewater treatment study to identify the preferred connection approach (and associated costs) and determine if any specific WWTP improvements are needed (and associated costs). The agreement shall also address payment of connection fees, monthly sewer rates (including a 25 percent Out of City Surcharge and potentially a "High Strength Wastewater Surcharge") and other costs unique to providing the waste water service. The Utility Services Agreement shall be executed prior to the start of construction. Terms of the Utility Services Agreement shall be approved by the City.

A16-159

- The City currently has a WWTP Facilities Master Plan that does not address the Project Alternatives A, B or C. If the off-site system (Option 2) is used, add a mitigation measure for Alternatives A, B and C requiring that the Tribe fund a revision or addendum to the City's existing WWTP Facilities Master Plan. The revision/addendum shall include the evaluation of facilities needed to provide wastewater service to the Project. This revision or addendum shall be completed ahead of the Utilities Services Agreement as discussed above.

A16-160

- If the Tribe will use recycled water from the City's WWTP for Alternatives A, B and C, as indicated by **Mitigation Measure B**, require the Tribe to enter into an agreement with the City establishing the terms and conditions of such service and make payments for the service costs and the Tribe's fair share of other operations and maintenance, capital improvement and other direct and indirect costs.

A16-161

5.3.2 Groundwater

- As described above, because the use of the remainder of the Twin Cities Site is unclear, the DEIS does not specify whether the existing wells will continue to be used, abandoned, or used as monitoring wells. Absent that analysis, we cannot identify the amount of water used or the appropriate mitigations. Nevertheless the following measures would reduce the impact of the Project on groundwater resources:

A16-162

- The Tribe shall participate in the creation of or create an off-site artificial recharge project, such as purchasing a groundwater well in the sub-basin and retiring the well from service in order to offset a portion of the groundwater used by implementation of the Project (in lieu recharge).
 - The Tribe shall contribute to help establish or support the study of the groundwater basin and implementation of water conservation and conjunctive water use measures. The Tribe shall provide funding of an equitable share that is proportionate with other participating non-tribal stakeholders, and that considers its fraction of the municipal groundwater demand in the groundwater basin. Further, the Tribe shall participate in the identification and implementation of reasonable measures or action plans developed through the study, in the same manner as participating non-tribal stakeholders, and in proportion to its contribution to any basin decline identified by the study.

A16-162
(cont.)
- For the on-site service option (Option 1) in Alternatives A, B and C, to reduce the impacts associated with interference drawdown resulting from the Project, add a mitigation measure requiring the Tribe to provide compensation for potentially affected groundwater users, including but not limited to reimbursement for the cost of well deepening, lowering of pumps, increased pumping/electrical costs, well replacement, rehabilitation to restore reduced capacity, and/or connection to an alternative water supply.

A16-163

- Add a mitigation measure for Alternatives A, B and C requiring the Tribe to adopt and comply with the water quality and safe drinking water standards that would apply to a City development. This would reduce the impacts of the Project on public health and safety.

A16-164

- Add a mitigation measure for Alternatives A, B and C requiring that, as described in **Appendix I**, page 18 and page 39, if the City is to be the water provider, the Tribe shall provide for the preparation of an analysis of the City's system to identify the required facilities, execute a Utility Service Agreement with the City, pay connection fees and monthly water rates (including a 25 percent Out of City Surcharge), and provide financing to the City for the construction of the site specific facilities (probably a well, treatment system, storage tank, and transmission mains). The mitigation measure should further require that the Utility Service Agreement shall be acceptable to the City and address the expansion and extension of the City water system to the Project and require the Tribe to pay water impact fees and rates and costs unique to this system expansion and extension. The Utility Services Agreement shall be executed prior to the start of construction. Terms of the Utility Services Agreement shall be approved by the City.

A16-165

- Add a mitigation measure for Alternatives A, B and C requiring the Tribe to install recycled water plumbing/purple pipe for use of recycled water consistent with the standards of a City development and the requiring the Tribe to tie the Project into the City system when it is available.

A16-166

- Add a mitigation measure for Alternatives A, B and C requiring the Tribe to fund a revision or addendum to the City's Water System Master Plan to evaluate the facilities needed to provide water to the Project. This revision or addendum shall be completed ahead of the Utilities Services Agreement as discussed above.

A16-167

- Add a mitigation measure for Alternatives A, B and C requiring the Tribe to identify and grant land (ranging from 1.3 to 2.1 acres) to be deeded, at the Tribe's expense, to the City to locate a City owned on-site well, treatment system, and storage tank consistent with the infrastructure requirements identified

A16-168

in the revision of the City's Water System Master Plan and as revised by the Project estimates. Easements for water distribution shall also be identified and granted by the Tribe to the City, at the Tribe's expense, as necessary.

A16-168
(cont.)

- Add a mitigation measure for Alternatives A, B and C requiring the Tribe to develop a phasing and time table if any existing on-site wells are not to be used. They shall be identified and shall be abandoned in compliance with State standards to prevent potential contamination of the groundwater. Any abandonment shall occur prior to the construction of Project-owned or City-owned water facilities.

A16-169

- The Tribe should be required to comply with standard water conservation measures including, but not limited to:

- a. Use reclaimed water for landscape watering, cooling tower makeup water, and toilets.
- b. Check steam traps and ensuring return of steam condensate to boiler for reuse.
- c. Limit boiler blowdown and adjusting for optimal water usage.
- d. Use low flow faucets and/or aerators in casino and hotel.
- e. Use low flow showerheads in hotel.
- f. Encourage voluntary towel re-use by hotel guests.
- g. Use pressure washers and water brooms instead of hoses for cleaning.
- h. Use garbage disposal on-demand in restaurant.
- i. Incorporate a re-circulating cooling loop for water cooled refrigeration and ice machines in restaurants.
- j. Serve water to customers only upon request at restaurants.
- k. Use air-cooled units in central plant.
- l. Use low volume spray rinse valve for pre-cleaning dishes.
- m. Use low volume dishwasher.
- n. Operate dishwashers with full loads only.
- o. Use high pressure/low flow spray rinsers with automatic shut off for pot washing.
- p. Reuse dishwasher wastewater for low-grade purposes such as pre-washing and garbage disposals.
- q. Use self-contained (connectionless) vegetable steamers.
- r. Reduce flow to minimum necessary in scrapper troughs, wash down, and frozen food thawing.
- s. Use air-cooled ice machines.

A16-170

Surface Water

- Add a mitigation measure requiring that the Tribe prepare a stormwater sampling and monitoring program to be developed and implemented to assess the quality of surface water entering and leaving development sites. At a minimum, sampling sites shall include but not be limited to: a location upstream above all proposed development; and a location downstream of all development. Analyses shall include total suspended solids (TSS), oils and grease.

A16-171

- For the on-site wastewater treatment option (Option 1) in Alternatives A, B and C, add a mitigation measure requiring construction of the discharge's outfall structure be undertaken during the dry season and under permit from the Department of the Army, Corps of Engineers, if required.

A16-172

- The following mitigation measures should be added to address operational impacts of Alternatives A, B and C:

- Application of fertilizer shall be limited to the minimum amount necessary and shall be adjusted for the nutrient levels in the water used for irrigation. Fertilizer shall not be applied immediately prior to anticipated rain.
- The garbage bin area shall be covered. Any runoff or drainage from the garbage bin area shall be directed to the sewer system and treated by the wastewater treatment plant (WWTP).
- Landscape irrigation shall be adjusted based on weather conditions and shall be reduced or eliminated during the wet portion of the year in order to prevent excessive runoff.
- Surface parking and hardscape areas shall be constructed of pervious surfaces to the maximum extent feasible.

A16-173

5.4 Air Quality

- A new mitigation measure should be added for Alternatives A, B and C requiring the Tribe to adopt and comply with the air quality standards that would apply to a City development. Those standards are set by Sacramento Metropolitan Air Quality Management District and we understand they have submitted their own comment letter on this DEIS.

A16-174

- A new mitigation measure should be added for Alternatives A, B and C to avoid or reduce potential significant odor effects associated with the potential wastewater treatment and disposal facility, requiring that the Tribe implement the following measures if the on-site wastewater treatment option (Option 1) is chosen:

- The WWTP shall be constructed with comprehensive odor control facilities, including the injection of odor control oxidants at the sewage lift station and construction of a covered headworks with odor scrubber at the WWTP.
- Spray drift from the WWTP or spray disposal field shall be monitored daily during operation by qualified personnel. Spray drift from these two sources shall not be allowed to migrate out of the plant's property boundaries. In the event that spray drift emanating from sprayfield does migrate outside of the property boundaries, operational measures shall be taken to eliminate offsite drift of spray.
- Spray field irrigation will cease when winds exceed 30 mph.

A16-175

5.5 Biological Resources

- As noted above in our comments on **Section 4.5**, a mitigation measure needs to be included for foraging habitat for migratory birds and mitigation specific to Swainson's hawk. The standard City of Galt mitigation measure for raptor foraging habitat is as follows:

The project applicant, in consultation with CDFW, shall mitigate for loss of any raptor foraging habitat at a ratio of one acre of suitable foraging habitat for every one acre utilized by the project. Project proponents shall provide for the long-term endowment of compensatory mitigation lands

A16-176

by funding a management endowment (the interest on which shall be used for managing the mitigation lands) at a per acre rate (adjusted annually for inflation and varying interest rates). The project proponent shall submit a letter of approval from CDFW for the mitigation program to the City of Galt prior to the issuance of grading permits; or, the project applicant shall purchase conservation easements or fee title to suitable raptor foraging habitat to protect the habitat from urban development; or the project applicant shall purchase mitigation credits at an agency-approved mitigation bank.

A16-176
(cont.)

An equivalent mitigation measure should be applied to the Tribe.

- Regarding Giant Garter Snake **Mitigation Measure C**, the snakes should not be “encouraged to leave,” rather simply require the USFWS-approved biologist to oversee their relocation.
- A new mitigation measure should be added for Alternatives A, B and C requiring the Tribe to turn off as many exterior and interior lights as possible during the peak bird migration hours of midnight to dawn to reduce potential building collisions with migration birds.

A16-177

A16-178

5.7 Socioeconomics

- The EIS should be updated to reflect that the Twin Cities Site could be annexed to the City as soon as the end of this year. Currently, **Mitigation Measure A** only requires the Tribe to make in-lieu payments to Sacramento County. If the site is annexed, mitigation for lost tax revenue would need to be paid to the City. Therefore, **Mitigation Measure A** on page 5-15 should be amended to read:

For Alternatives A, B and C, the Tribe shall enter into binding agreements and make in-lieu payments adequate to replace revenues lost by Sacramento County and the City of Galt due to reduced property tax, sales tax, transient occupancy tax, and similar taxes, assessments and fees received by the County and the City of Galt from those land parcels taken into trust. The amount of the payments shall be adjusted to take into account payments identified in Section 5.10 for various municipal services and shall reflect the increase in revenues that would be received from the likely future development of the proposed site.

A16-179

- In light of the direct and indirect fiscal impacts of the Project described in our comments on Section 4.7, **Mitigation Measure B** should be amended to read:

For Alternatives A, B and C, the Tribe shall enter into binding agreements with Sacramento County and the City of Galt and take such actions and make payments adequate to offset direct and indirect costs on the County and City and to provide support for public services (including, but not limited to, law enforcement), studies, staffing and infrastructure, community benefits, and utilities.

A16-180

- The National Gambling Impact Study Commission estimates that each pathological gambler costs society \$1,200 per year and each problem gambler costs society \$715 per year. The amount of the Tribe’s contribution to a program that treats pathological/problem gamblers under **Mitigation Measure C** should be revised to be based upon these societal costs, rather than some arbitrary number.

A16-181

- Add a new mitigation measure to address the impacts of crime associated with the influx of visitors to the community, requiring the Tribe to negotiate and enter into an enforceable agreement with the City of Galt and Sacramento County to mitigate crime impacts on the local jurisdiction. As noted in our

A16-182

comments in Section 4.7, these costs are distinct from the law enforcement services costs. The combination of funding for law enforcement services and crime mitigation funding would serve to mitigate crime impacts.

A16-182
(cont.)

- For Alternatives A and B, the mitigation measures identified by the study commissioned by the Attorney General⁵⁵ should be incorporated to reduce the impact of the crime induced by the casino:
 - The Tribe shall fund enhanced law-enforcement activities in casino and adjacent counties, including road patrols, especially in areas around bars.
 - The Tribes shall fund community assistance, such as creating and activating neighborhood-watch programs.
 - Tribes should not sell alcoholic beverages in their casinos.
 - Drug-detection units of state police should be enhanced and made available to sheriffs and police.
 - Police officers and prosecutors in all counties should include gambling screening questions in all arrest reports and crime reports.

A16-183

5.8 Transportation

- **Mitigation Measure F** should be amended to ensure that the Tribe funds its fair share of vicinity roadway maintenance and improvements for those roadways located in the City of Galt, including those to be annexed into the City.
- A new mitigation measure should be added for Alternatives A, B and C requiring the Tribe to comply with the City's and Caltrans' requirements, standards and processes for the design/environmental/construction of the Mingo Road interchange.
- A new mitigation measure should be added for Alternatives A, B and C requiring the Tribe to design and construct the Mingo Road interchange to minimize throwaway construction when the east side of the interchange is fully developed.
- A new mitigation measure should be added for Alternatives A, B and C requiring the Tribe to PCI (pavement condition index) for West Stockton Blvd and East Stockton Blvd, between Twin Cities Road and Mingo Road, shall be brought up to an acceptable level.
- A new mitigation measure should be added for Alternatives A, B and C requiring the Tribe to pay all their appropriate traffic impact and other development fees. A sample fee estimate is attached as **Attachment 2**, hereto for reference.
- **Mitigation Measure G** should be deleted. As discussed in our comments on **Section 2.2.1** regarding the project description, the Mingo Road Interchange is an integral part of the project that should be discussed and analyzed throughout and should not be treated as a mitigation measure.
- **Mitigation Measure I** should be deleted. As discussed in our comments on **Section 4.8** above, closure of West Stockton Boulevard would create significant traffic impacts and impede emergency access to the Project.

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A16-188

A16-189

A16-190

⁵⁵ See Gambling in the Golden State pages 5-6, available online at <http://oag.ca.gov/sites/all/files/agweb/pdfs/gambling/GS98.pdf>

- A new mitigation measure should be added for Alternatives A, B and C requiring the Tribe to pay all their appropriate traffic impact fees. The fee is used to construct Galt regional projects, such as the widening of Twin Cities Rd from Fermoy Way to Marengo Rd and the Walnut Interchange. The Walnut interchange will result in some traffic being diverted from the Twin Cities ramp to Walnut interchange. The improvements that are constructed as part of the City's traffic fee will alleviate traffic issues from future growth, inclusive of the Project traffic. A16-191
- On page 5-18, Mitigation Measure J for Alternative C calls for the widening of the Twin Cities Rd Bridge over SR 99 in addition to the SR 99 / Mingo interchange. It appears that Alternative A and B should also have this mitigation included. A16-192
- The Project will result in transit demand and ultimately transit service, in both dial-a-ride and fixed route service, to the site. Transit service is currently subsidized; therefore A new mitigation measure should be added for Alternatives A, B and C requiring the Tribe to contribute to the City of Galt's transit service. A16-193
- A new mitigation measure should be added for Alternatives A, B and C requiring the Tribe to provide a park and ride lot to reduce regional vehicle miles traveled. A16-194

5.9 Land Use

- The mitigation measures addressing the land use impacts are incomplete and inadequate.⁵⁶ A handful of measures are proposed to minimize the effect Project *construction* activities will have on surrounding land uses (in particular, the sensitive receptor residential land uses), but these need to be enhanced. For example, Project construction should be limited to weekdays so as to avoid disturbance to nearby residents.⁵⁷ Further, no mitigation is provided for Project *operational* impacts such as offensive odors and harmful criteria pollutants from the thousands of gaming patron vehicles that will enter and exit the Project site daily or the on-site treatment of wastewater.⁵⁸ A16-195
- Given the extensive inconsistencies with the City's policies, a new mitigation measure should be added for Alternatives A, B and C requiring the Tribe to pay for its fair share of amendments to any General Plans, Specific Plans, regional plans, and other land use policies. A16-196
- As discussed elsewhere, a new mitigation measure should be added for Alternatives A, B and C requiring the Tribe to pay all their appropriate traffic impact and other development fees, which are estimated in Attachment 2 hereto, in order to minimize the impact the Project will have on planned development in the City. A16-197
- For the reasons discussed in our comments on Section 4.9, A new mitigation measure should be added for Alternatives A, B and C requiring the Tribe to mitigate the conversion of farmland at a 1:1 ratio. A16-198

⁵⁶See Draft EIS at 5-26

⁵⁷See Draft EIS at 5-30.

⁵⁸See Draft EIS at 5-4 to 5-5 and 5-17 to 5-18.

5.10 Public Services

5.10.1 Off-Site Water and Wastewater Services

- See our comments on **Section 5.3** above. A16-199
- **Mitigation Measure A** should be amended to ensure that the improvements meet the City's engineering standards and regulatory requirements for the water system and/or wastewater system. A16-200
- A new mitigation measure should be added for Alternatives A, B and C requiring the Tribe to extend from existing service in a manner that is consistent with the City's Master Plan and pay the appropriate connection fee for regional Master Plan improvements and other applicable fees. A16-201

5.10.2 Solid Waste

- To mitigate incompatibility with Galt General Plan policy LU-2.3 and others, a new mitigation measure should be added for Alternatives A, B and C requiring the Tribe, to the extent commercially reasonable, to implement recycling, green waste diversion, and design buildings using green building techniques. A16-202
- A new mitigation measure should be added for Alternatives A, B and C requiring that the Tribe adopt a solid waste management plan that addresses recycling and solid waste reduction on the site, with goals that match or exceed applicable state and/or local diversion, reduction, recycling and reuse requirements. A16-203
- A new mitigation measure should be added for Alternatives A, B and C requiring the Tribe to pay all standard fees for trash collection and disposal. A16-204

5.10.3 Law Enforcement

- **Mitigation Measure I** should be revised to require that the parking lot and other exterior lighting shall be lit according to the City's standards for Alternatives A, B and C. This establishes a quantifiable mitigation measure as opposed to the qualitative one that is included in the DEIS now. A16-205
- Regardless of which agency the Tribe contracts with for police services, the City's law enforcement services will be impacted by Alternatives A, B and C because of the increased traffic, population and tourism in the community. The Galt Police Department will also have to respond to the Twin Cities Site under the terms of applicable mutual aid agreements. And given the proximity to the Project, the City will bear the brunt of increased criminal activity associated with casinos, described above. These impacts will begin at the time of construction, not operation. The Project will have both quantitative and qualitative impacts on law enforcement. For these reasons, **Mitigation Measure N** should be deleted and the following measures should be added: A16-206
 - Prior to construction, the Tribe shall negotiate and enter into an enforceable agreement with the City of Galt Police or Sacramento County Sheriff's Department for the provision of law enforcement services on the Twin Cities Site and shall pay the full cost of such services.
 - Prior to construction, the Tribe shall negotiate and enter into enforceable agreements with both the City and County to pay for the direct and indirect law enforcement costs. These payments will reimburse local governments for their costs incurred in responding to crimes in their

jurisdiction by casino patrons (such as DUI's and traffic accidents) and as a result of mutual aid agreements.

- o (As noted in Section 5.7) Prior to construction, the Tribe shall negotiate and enter into an enforceable agreement with the City of Galt and Sacramento County to mitigate crime impacts on the local jurisdiction. On average these payments are \$700,000, but because this casino is larger than average, the Tribe would be expected to pay no less than a proportionately larger amount.

A16-206
(cont.)

To reduce law enforcement responses to the Project and its patrons and mitigate the impact to law enforcement resources, mitigation measure should be added for Alternatives A and B:

- The Tribe shall adopt and implement employee training programs and policies relating to responsible beverage services and shall support local law enforcement efforts in conducting DUI checkpoints and other programs known to reduce the impacts of alcohol on the community (support shall include fully funding at least one DUI checkpoint in the vicinity of the development monthly or less frequently at the discretion of local law enforcement providers).
- The Tribe shall provide traffic control with appropriate signage and the presence of peak-hour traffic control staff. This will aid in the prevention of off-site parking, which could create possible security and safety issues.
- The Tribe shall adopt rules prohibiting anyone under 21 years of age from gambling, and adopt programs and policies which discourage gang members from visiting the gaming facilities.
- For Alternative A, hotel management shall work collaboratively with school and law enforcement personnel to prevent the use of hotel rooms for parties involving minors and the hotel shall have an internal monitoring program to reduce the incidence of such parties.

A16-207

5.10.4 Fire Protection and Emergency Services

- Revise **Mitigation Measure R** to require Tribe to enter into a memorandum of understanding and/or service agreement for fire protection services and emergency medical response services prior to construction, rather than prior to operation, as emergencies and fires can happen at any time.
- Add the following mitigation measures for Alternatives A, B and C:
 - a. The Tribe shall use fire resistant construction materials and equip all enclosed buildings with automatic sprinkler systems. The automatic sprinkler systems shall be designed to meet or exceed the NFPA standards governing the different occupancies associated with the Project structures.
 - b. The Tribe shall employ the most modern construction and fire-engineering techniques in their automatic fire containment system designs so that any fire encountered is contained to the room of origin.
 - c. Through the use of modern fire engineering technology, the Tribe shall create and maintain a facility equipped with early detection systems that assure an initial response time to any fire alarm (automatic, local, or report) within three minutes. These systems shall include automatic sprinkler systems in the occupied areas and smoke detection, along with automatic sprinkler systems, in the areas of the facility that are normally unoccupied, such as storerooms and mechanical areas.

A16-208

A16-209

- d. If only one fire pump is provided, it will be either diesel, or provided with emergency power; thereby, meeting the requirements of the CFC, and the California Building Code (CBC).

A16-209
(cont.)

5.10.5 Electricity, Natural Gas and Telecommunications

To mitigate incompatibility with Galt General Plan policies LU-2.3, for Alternatives A, B and C, a photovoltaic (solar) system should be evaluated and, depending on the impacts, required as a potential mitigation for both air quality and energy consumption.

A16-210

5.12 Hazardous Materials

- The following are best management practices and should be added as mitigation measures for all Alternatives:

- a. The amount of hazardous materials used in Project construction and operation shall be kept at the lowest required volumes.
- b. The least toxic material capable of achieving the intended result shall be used to the extent practicable. Non-toxic alternatives shall include garden care products and organic non-toxic cleaners when feasible.
- c. A hazardous materials and hazardous waste minimization program shall be developed, implemented, and reviewed annually by the Tribe to determine if additional opportunities for hazardous materials and hazardous waste minimization are feasible, for both Project construction and operation.
- d. Use of pesticides and toxic chemicals shall be minimized to the greatest extent feasible in landscaping; or less toxic alternatives shall be used.

A16-211

- The following measures shall be required for all alternatives with on-site treatment options:
 - a. Material Safety Data Sheets (MSDS) shall be available to casino and emergency personnel and to janitors that identify emergency procedures, safe handling and storage practices.
 - b. A Hazardous Materials Business Plan for the WWTP shall be prepared to address emergency response and employee training in first aide in the event a spill of citric acid and sodium hypochloride occurs that compromises the chemical storage containment vessels.
 - c. For all on-site wastewater options, a Waste Water Contingency Plan shall be prepared for the WWTP prior to construction that shall identify potential system failures and containment measures. These containment measures shall be made part of the WWTP design to ensure no untreated wastewater will be released from the WWTP in the event of a system failure.

A16-212

5.13 Aesthetics

- Mitigation measures proposed for purposes of “screening” the Project site from the adjacent land uses will not be effective given the size and massing of the Project. “Landscape amenities” and the “use of earth tones and coatings, and native building materials” will not mask a twelve-story building constructed in a location where the height limit is 50 feet and no other structures of comparable height exist for miles.⁵⁹ Thus, it should be clear that this impact is not fully mitigated.
- To address the impacts of the proposed freeway sign on aesthetics, a new mitigation measure should be added for Alternatives A, B and C requiring the Tribe to limit the height of the freeway sign to no taller

A16-213

A16-214

⁵⁹ See DEIR 5-32 to 5-33.

than 100 feet and to obtain a Conditional Use Permit for the sign per City of Galt regulations, to prohibit the use of animation or spillover of light and glare off the sign, and to require the sign to be architecturally compatible with the primary on-site structures.

A16-214
(cont.)

APPENDICES

Appendix G. Grading and Drainage Feasibility Study

In Appendix G, the document's Appendix H, Floodplain Support Calculations, exhibit for Alternatives A, B, and C shows the outline of the site incorrectly. Please revise.

A16-215

Appendix H – Economic Impact Statement

The City has numerous concerns and comments about the DEIS's Economic Impact Statement. Our concerns are summarized below.

- *The EIS fails to quantify the non-casino (retail and entertainment) substitution effects, yet asserts that these effects would be fully offset by increases in economic activity stemming from the proposed casino development. Specifically, the EIS asserts on Page 15 that, "GMA does not anticipate net substitution effects with respect to retail, food and beverage ("F&B") or hotel venues, as there will likely be some spillover benefits from gamers and casino resort workers patronizing local businesses, potentially resulting in revenue growth for each of those venues." However, no factual basis is provided for this assertion. In fact, it is not known whether there will be net substitution away from Galt businesses in favor of the retail, dining, and entertainment options at the Site. One Harvard study shows that for casinos where there is little tourism base, like Galt, there is evidence that on average, the opening of a casino will lead to a 9% decrease in the earnings of restaurants and bars, a 17% increase in recreation establishments, and a 10% increase in the general merchandise sector.⁶⁰*

A16-216

The EIS should be amended to eliminate the unsupported conclusion that there will be no net substitution away from local businesses or evidence should be provided to support it. Conclusions within the EIS based upon this conclusion should be revised correspondingly. To the extent that quantifying the substitution effects requires information not available, a qualitative analysis must be provided for, as has been the norm in prior Indian casino EIR/SS.⁶¹

- *The estimated operational revenues presented in the Economic Impact Statement for Alternatives A and B are overstated, although evaluating these revenue estimates is difficult as no explanation of the approach or methodology is provided. Because these revenue estimates directly drive the economic impact estimates which in turn drive the fiscal impact estimates, the result is that the fiscal impact estimates are overstated as well. Specifically, page 16 of Appendix N presents the total operational revenue estimate of \$449 million. This figure includes both gaming and non-gaming revenue. Alternative B consists of an identical gaming facility, but no hotel. Alternative B is anticipated to generate \$349 million from gaming and related food and beverage and retail sales. An analysis of comparable casinos, however, suggests that these figures may be overstated. For example, the Graton casino in Rohnert Park reported annualized revenues of*

A16-217

⁶⁰ See, Johnathan B. Taylor et al, "The National Evidence on Socioeconomic Impacts of American Indian Gaming on Non-Indian Communities." April, 2000.

⁶¹ See e.g., Graton Casino FEIS, Appendix N, page 6 - , available online at http://gratoneis.com/documents/final_eis/files/appendices/vol2/Appendix_N.pdf

approximately \$380 million for 2014.⁶² The Graton casino does not have a hotel or entertainment venue, and is roughly comparable to the casino proposed under Alternative B, however, the Graton Casino is roughly 50% larger, with approximately 3000 slot machines and 144 gaming tables.⁶³ Adjusting for casino size, this suggests that the Wilton casino could expect revenues in the range of \$265 million, not the \$349 million estimated in the EIS.⁶⁴

Similarly, hotel revenues appear to be overstated. These non-gaming revenues appear to total approximately \$100 million (the difference between Alternatives A and B). To achieve this result would require room revenues per day of approximately \$900 (302 rooms times \$900 times 365 days = \$99.2 million). This value is substantially larger than the likely range for comparable hotels, particularly in this area. For example, Thunder Valley offers rooms starting at \$99 per night.⁶⁵ It also does not account for vacancies or comped rooms. Because the revenues from both casino and hotel operations are overstated, the total size of the fiscal and economic effects are similarly overstated.

The EIS should be revised to reflect a more realistic estimate of casino revenue, with resulting changes in the estimated economic and fiscal effects presented in Appendix N. Additionally, the basis for the revenue estimates should be provided.

A16-217
(cont.)

- **Fiscal Impact Estimates are Not Adequately Disaggregated.** The fiscal impact estimates presented in Appendix H for all three scenarios at the Twin Cities site as well as for the City of Galt are shown in an aggregated fashion in which all state and local taxes are shown together. These taxes will be shared among the state, counties, cities, schools, and special districts. Without a disaggregated estimate of the amount of revenue that will accrue to affected local jurisdictions (specifically the City of Galt), the EIS does not have a basis for making an assessment of the overall fiscal impact on the City. Furthermore, the fiscal impact estimates presented are gross, not net figures (i.e. they do not take into account any losses in tax revenues from substitution away from local businesses to the Casino or proposed retail development). This fact should be noted in the report.

A16-218

*Appendix H should be revised to reflect disaggregated figures for the fiscal impact estimates and label these estimates as gross, not net figures. This level of analysis is required to satisfy the requirements of NEPA, as well as the requirements of a TEIR/TPED, which mandate the mitigation of off-site impacts on the human environment. Other casino EIR/S's contain a detailed fiscal analysis of the impacts of various Project alternatives on local agencies, including a city whose sphere of influence would be affected.*⁶⁶

- **Estimated tax revenues for construction phase are overstated.** On pages 20, 31, and 46 the report presents the estimates of the total fiscal impact of the construction phase of the three Alternatives evaluated for the Twin Cities site. The report states that, "In some cases there may be tax exemptions due to purchases by the Rancheria" but apparently makes no effort to adjust the estimates prepared by IMPLAN (the economic

A16-219

⁶² The Press Democrat, August 15, 2014 and November 15, 2014: <http://www.pressdemocrat.com/news/2538027-181/revenues-drop-at-rohnert-park> and <http://www.pressdemocrat.com/news/3026937-181/a-year-later-graton-casinos?gallery=3411451&artslide=0>

⁶³ <http://500nations.com/casinos/caGratonRancheriaCasino.asp>.

⁶⁴ Graton casino gaming positions estimated at 3000 slots plus 6 positions at 144 tables (864 positions) for a total of 3,864 positions. Total daily revenue per position equals \$269 (\$379.8 million/3,864 positions/365 days = \$269 per position per day). Applying this same rate to the proposed Wilton casino results in an estimated \$265 million in annual revenues (2000 slots plus 116 tables with 6 positions each equals 2,696 positions times \$269 per position per day equals \$265 million).

⁶⁵ To the extent that the difference between Alternatives A and B reflects both gaming and non-gaming revenue (i.e. the assumption that the casino would generate more gaming revenues with the hotel added), the result would then be an even larger overstatement of the casino revenues relative to the estimates presented above.

⁶⁶ See Graton Casino FEIS, Appendix N, page 24 et seq. Here BAE analyzed the impacts of the casino on Rohnert Park, even though taking the land into trust would eliminate it from the City's Sphere of Influence, because the Project alternatives included options to contract with the Rohnert Park for service and the Project would put more traffic on city roads, etc.

modeling software used to prepare the estimates) to reflect the likelihood that many of the purchases of construction materials, for example, will be exempt from sales tax. Additionally, the construction phase fiscal impact estimates report an increase in property taxes. However, it is not clear where these property tax effects would come from. The trust land itself is exempt from local property taxation. It is unlikely that equipment purchases by the contractor or suppliers would be sufficient to justify the increase in property taxes reported. For example, on page 21, the report presents an estimated increase in property taxes of \$4,339,093. This equates to an increase in assessed value of \$433.9 million. Since none of this increase is due to increased property values at the site (due to its trust status), it must be entirely due to increased equipment purchases or increases in land values or improvements due to contractor or supplier purchases. However, it is very unlikely that such equipment purchases or improvements on the part of suppliers would be of such a magnitude. These property tax estimates therefore appear to be overstated. These same considerations apply to the fiscal impact estimates presented for the City (starting on page 50).

A16-219
(cont.)

Appendix H should be revised to reflect accurate construction phase fiscal impact estimates.

- *Estimated taxes during operations phase are overstated.* The fiscal impact estimates for the operations phase apparently contain an adjustment to reflect the fact that the casino operations would largely be exempt from state and local taxes. However, the resulting figures still appear to be inaccurate. For example, the operations phase estimate for Alternative A reports an estimated increase in property taxes of \$3,075,237. At California's 1 percent property tax rate, this equates to an increase in assessed value of more than \$307 million. Elsewhere in the EIS, the authors assert that the substantial majority of the workers employed due to the proposed Project would come from the existing workforce and that there would be no significant impact on area housing. Therefore, these property tax revenues must come from increased equipment purchases or new construction by local suppliers. However, no justification is provided for the implied assertion that the casino's local purchases would stimulate such a large amount of new construction or equipment purchases. Property tax estimates for the other alternatives considered and for the City of Galt specific estimates appear similarly overstated.

A16-220

Appendix H should be revised to reflect accurate operations phase fiscal impact estimates.

- *City of Galt Economic and Fiscal Effects are Overstated.* The estimated economic and fiscal effects for the City of Galt are presented starting on Page 50. These impacts "are based on IMPLAN multipliers for the zip code in which the City of Galt and surrounding areas are located."⁶⁷ However, the population for the zip code in which Galt is located (95632) is approximately 24 percent larger than the population of the City of Galt.⁶⁸ Therefore the economic and fiscal results, which are presented for the larger area, overstate the likely impact on the City of Galt itself and should be adjusted to accurately reflect the impact on the City. Because larger areas have less economic "leakage" relative to smaller areas, this overstatement is substantial and likely exceeds the 24 percent relative difference in population among the two areas.

A16-221

Appendix H should be revised to reflect accurate estimates of the economic and fiscal effects on the City of Galt.

Appendix I. Traffic Study

- The intersections below need to be evaluated because a significant amount of traffic uses the ramps, thus impacting the intersections for the 2018 and 2035 years:

A16-222

⁶⁷ EIS Appendix H, p. 50.

⁶⁸ According to the 2010 Census, the population for zip code 95632 was 29,269 whereas the population for the City of Galt was 23,647.

- o West Stockton Blvd / SR SB 99 on/off ramp (near Twin Cities)
- o East Stockton Blvd / SR NB 99 on ramp (near Twin Cities)
- o East Stockton Blvd / SR NB 99 off ramp (near Twin Cities)

A16-222
(cont.)

While the City didn't specifically ask for these intersections to be included from the MOA, dated April 14, 2014, the intent was to include them in the analysis. This is demonstrated by the no project volumes provided by Omni-Means for these intersections.

Appendix J. Grading and Drainage Feasibility Study

- The first paragraph of the "STORMWATER DETENTION (HYDROMODIFICATION MITIGATION)" section on **Page 7** states the following, "This site falls outside of Sacramento County's MS4 permit boundary (Figure 3-7, Applicability Map, from Sacramento Stormwater Quality Partnership Hydromodification Management Plan, February 14, 2013). Therefore, hydromodification mitigation parameters were selected using the State Water Resources Control Board's (SWRCB) Post-Construction Standards to offset the impacts of the development." If the City annexes this area as currently proposed, that statement would be no longer correct in that the area would be within the City's MS4 permit boundary.
- The Twin Cities site is 282 acres, and about 79 acres would be developed. Of the developed area, about 63.4 acres would become impervious surfaces. Drainage flow rate and runoff volume impacts are to be addressed through on-site detention basins. Stormwater quality impacts are to be addressed through on-site grassy swales and water quality/hydromodification basins. If this site is selected for development, a revised drainage evaluation is to be prepared using current topographic mapping. The revised drainage evaluation should also use hydrologic and hydraulic modeling of the drainage system extending from the east side of Highway 99 to Laguna Creek downstream of the City WWTP discharge. All studies/evaluations prepared should note that the remnants of Skunk Creek drainage appears to be at capacity due to the WWTP discharge and surrounding irrigation discharges. Any further drainage additions will cause significant impact to the WWTP discharge ability without mitigation.
- The Project includes water quality and hydromodification ponds based on an 85th percentile storm event, bioswales, biostrips, oil and grease separators, and other water quality Best Management Practices (BMPs). The proposed BMPs will help reduce the pollutants in the Project's runoff, but will not eliminate all pollutants. An evaluation should be performed examining the existing surface water quality, including the WWTP discharge at the build-out capacity of 6.0 MGD, along with the discharge pollutant estimates generated by the proposed site storm water discharges.
- Some of the proposed development drains to the same channel that the WWTP discharges to, so pollutants from the development would be mixed with treated effluent from the WWTP prior to flowing into Laguna Creek. The City monitors electrical conductivity, temperature, and dissolved oxygen, and Priority Pollutants (as identified in **Attachment E** of the "Waste Discharge Requirements for the City of Galt Wastewater Treatment Plant and Reclamation Facility Sacramento County, Order R5-2015-0123, NPDES No. CA0081434) in Laguna Creek upstream and downstream of the WWTP discharge channel. Runoff from the development may adversely impact these water quality parameters. The Project should be responsible to perform similar monitoring in the discharge channel both upstream and downstream of the WWTP effluent discharge to the discharge channel to determine if the Project is causing increases in these constituents. If monitoring reveals increases in these constituents, mitigation efforts must be undertaken, such as storing effluent in tanks and holding ponds to reduce temperature, restricting discharge of effluent during certain times of year or during certain environmental conditions, *etc.*

A16-223

A16-224

A16-225

A16-226

- The Sacramento City/County Drainage Manual, Volume 2 Hydrology Standards is cited as the document used for sizing drainage improvements. Also, the 100-year, 24-hour storm was used for the evaluation and sizing of the drainage facilities (page 5). This is the correct manual. However, Sacramento County typically requires detention basins to be sized for the larger of the 100-year, 24-hour storm event and the 100-year, 10-day storm event. The drainage study should be revised to also evaluate the 100-year, 10-day storm event.

A16-227
- The on-site detention basins were sized based on the change in runoff volume from pre development to post development conditions. The basin sizing needs to be revised using hydrologic and hydraulic computer models that evaluate the flow versus time for existing conditions and for developed conditions with the basins to ensure that there is no increase in peak flow and no increase in flow at any time during the design storms. This is needed because the timing of the maximum water level in Laguna Creek could occur after the peak runoff from a storm over the Project site.

A16-228
- No off-site evaluation of potential drainage impacts has been performed. This approach prevents the identification of all potential environmental impacts that could affect the WWTP. It is recommended that this off-site evaluation be performed if any of the Twin Cities Site alternatives are selected for development. This evaluation should also identify if there are potential impacts to the City's WWTP resulting from higher water levels in Laguna Creek or in the WWTP discharge channel (Skunk Creek remnant drainage).

A16-229
- The hydromodification basin sizes are estimated at 0.60 to 0.88 acre-feet depending on the land use alternative. This volume appears to be provided in the same basins as the drainage basins. It appears that the hydromodification storage volume is included in the drainage/flood control volume. The basins should be enlarged to account for the potential that the hydromodification volume may be partially full when the flood control design storm event occurs. This approach is typically required by Sacramento County.

A16-230
- The EIS states that for Alternative A there will be about 640,000 CY of fill needed, but only about 16,000 CY of fill will be available from the on-site detention basins. The remaining fill will come from the land on the southern portion of the site or be imported. If the remaining fill is taken from the southern portion of the site (lowering the entire southern portion by about 2 feet), the area of disturbance would be much larger than shown on Figures 1, 2, and 3 in Appendix E. The lowering of this site may impact existing drainage patterns and should be evaluated.

A16-231

Appendix N. Socioeconomic Analysis

- As noted in the letter commenting on the ADEIS, dated April 13, 2015, the following items regarding the Socioeconomic Analysis have not been addressed in the revised analysis and remain inadequate: (a) the various General Fund revenues, inclusive of property taxes, sales tax, franchise fees and transient occupancy tax in Galt and the other assessments and fees described in Attachment 2 to this letter, and (b) the various City departments, primarily the General Fund departments, and more specifically the police department, roads/transportation, as well as parks and recreation.

A16-232
 - Appendix N makes inconsistent statements about the impacts of casinos on crime, presents unsupported conclusions, and utilizes a methodology for estimating these impacts that does not conform to generally-established social science research principles. These issues are further described below.

A16-233
- Appendix N should be revised to more accurately reflect the impact of the proposed casino on crime and local law enforcement agencies.

- *Methodology for estimating increased demand for law enforcement services does not conform to generally-established social science research principles and appears to understate the likely effects on local law enforcement; the methodology and data should be revised/replaced with an updated and more credible analysis.* The EIS Appendix N reports that "GMA conducted interviews with various city and police department officials and analyzed police department data from communities where gaming facilities have recently been established." There are several problems with this approach:

- a. It is unclear whether the sample of surveyed agencies was representative of all communities where casinos have begun operations or comparable to the proposed Wilton casino. For example, no information was presented in the survey about whether the casinos surveyed have hotels as the proposed Winton casino would nor was any effort to control for differences in the number of visitors presented. The absence of a clear sampling protocol makes the conclusions suspect. Absent a true random sample, analysis should be based on facilities that are directly comparable to the proposed Wilton casino.
- b. It is not clear whether the local law enforcement agencies covered by the survey (and the literature review) received casino funding to cover the costs of additional law enforcement services. To the extent that a limited impact on crime was reported, this may be due, in part, to additional law enforcement funding. To the extent that a similar level of law enforcement mitigation funding is not provided for the local agencies serving the Wilton casino, the results observed elsewhere may not be applicable.
- c. It is not clear whether multiple law enforcement agencies were affected by the casinos listed. For example, it is possible that both a local city police department and a county sheriff would experience impacts from a casino. The results presented in terms of calls for service do not make clear whether they cover all casino impacts, or just those for a single agency.
- d. It is conventional in social science research to report on the measures used, in this case the questions asked. Without a clear indication of the interviewing protocol, little can be gleaned from the findings.
- e. Details concerning who was targeted for interviews and why are also lacking. For example, why in one city was a staff member from criminal records consulted, but in another a paralegal was called on?
- f. The range of reported calls for service per gaming position demonstrates a very large range, with some jurisdictions reporting more than 10 times as many calls for service as others. The casino with the highest number of calls for service per gaming position is the Graton casino in Rohnert Park, perhaps the facility listed which is most directly comparable to the proposed Wilton casino. This wide range and the fact that the lone California facility was the facility with the highest number of calls for service casts doubt on the choice of casinos surveyed and the methodology employed to collect the data. Preliminary analysis conducted by the City of Galt suggests that the estimated number of calls for service is understated (see discussion below).

The methodology and data utilized in the analysis presented in Appendix N should be revised or replaced with an updated and more credible analysis.

- *Estimated impact on local law enforcement is understated.* Appendix N presents an estimated number of calls for service and arrests based on data for several casinos around the country. Preliminary research into other California casinos suggests that the rate of calls for service for California casinos is likely more than twice as large as the average rate reported in Appendix N. For example, the Placer County Sheriff reported that in 2015, there were 1457 calls for service at the Thunder Valley casino, or approximately 0.35 calls per gaming position. Yolo County reported that there were 1288 calls for service to the Cache Creek casino, or

A16-233
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A16-234

approximately 0.41 per gaming position. And, the San Bernardino Sheriff's Department reported that there were 3,122 calls for service to the San Manuel Indian Bingo and Casino in 2015, or 0.46 per gaming position.⁶⁹ These figures compare with 0.41 calls per gaming position at the Graton casino in Rohnert Park, as reported in Appendix N on page 40. The average for these four California casinos is 0.41 calls per gaming position. This compares with an average of just .17 for the casinos included in the Appendix N survey (or 0.13 if the Graton Casino in Rohnert Park, the lone California casino, is excluded). Data from California therefore suggests that the number of calls for service is likely more than twice the rate estimated in the EIS.

Appendix N uses the reported survey data to estimate an annual number of calls for service and arrests at the Wilton Rancheria casino. Specifically, Appendix N estimates that there will be 471 calls for service and 121 arrests at the proposed Wilton Rancheria casino. However, based on data collected for four similar California casinos, a preliminary analysis suggests that there will be 1,151 calls for service and 307 arrests.

Such an increase in calls for service and arrests would have a significant impact on the Galt police Department. For example, 307 arrests would constitute a 43% increase in the number of annual arrests. The Galt Police Department has determined that the proposed casino would increase the need for staffing, equipment, and capital facilities. Specifically, the department would need to hire additional police officers, increase management oversight particularly during evening hours, add personnel for follow up investigations in the detective unit, and increase staffing in the communications center and support functions. The Department would need to add to its vehicle fleet, IT equipment, front line supplies and equipment for officers. Funding would be required to replace each of these items at their end of life cycle. The Department would also need to invest in additional office space and associated equipment and would need to address a move of a secondary Emergency Operations Center closer to the proposed Project. The Department would further need to ensure that, with the increased staffing, a recruitment and retention plan was put in place to ensure that it could hire, train, and retain the officers and professional staff over the long term.

A16-234
(cont.)

The estimated number of arrests and calls for service should be updated based on a comparable selection of California casinos.

The mitigation measures for socioeconomic impacts should be revised to require adequate compensation to the City to respond to this increased crime and demand for services.

- *The findings and data presented in Appendix N are not consistent with the stated conclusions. Appendix N states on page 25 that "the operation of the casinos evaluated have not required additional staffing or costs to manage casino related incidents." Appendix N also states on page 42 that "there seems to be very little deleterious impact on community services in areas in which a casino has opened." These assertions however, are not supported by the facts presented in the report. For example, on page 19 of Appendix N, the report states that a casino will draw a large number of people to the community and "whenever that volume of people is introduced into a community, the volume of crime is expected to increase." The report further states that "more people bring more crime" and that "within any large group of people there is a segment that is prone to commit petty crimes."⁷⁰*

A16-235

Appendix N also presents evidence of increased calls for service from local law enforcement agencies related to casino operations. For example, the Graton casino in Rohnert Park funds additional law enforcement services for both the City of Rohnert Park and the Sonoma County Sheriff. These funds are

⁶⁹ Assumes 6 seats per gaming table. Number of slot machines and table games from <http://500nations.com>.

⁷⁰ EIS Appendix N, p. 19.

used, in part, to cover the added costs of responding to the 1,700 calls for service to the casino each year, according to the data presented in the report. Responding to these 1700 calls (about 5 per day on average) most certainly does impose additional costs on the Sonoma County Sheriff's Department and the Rohnert Park Department of Public Safety. Prior to the Graton Casino opening, the Tribe agreed to one time mitigation payments of \$500,000 for special law enforcement activities; \$3,750,000 for a new public safety building; \$1,200,000 for a ladder fire truck and \$410,000 for public safety or other city vehicles. After opening, the Tribe agreed to recurring annual mitigation payments of \$500,000 for law enforcement, plus \$2,369,000 per year for additional staffing levels in public safety and other city service departments, as well as \$5,000,000 per year of unrestricted funds (in addition to other payments not directly applicable to law enforcement and crime impacts). Although the Graton Tribe contracts with the County Sheriff for law enforcement services, Rohnert Park has purchased vehicles and surveillance equipment and policing supplies and hired additional officers as well as records clerks and administrative staff with the mitigation funds provided by the Graton tribe to meet this increased demand.⁷¹

Other casinos in California reported similar increases in workload and costs stemming from the operation of casinos in their community. For example, Yolo County reported that the Sheriff's Department responds to nearly 1,300 calls for service each year at the Cache Creek Casino and the Placer County Sheriff reported that there were some 1,457 calls for service to the Thunder Valley Casino. In both cases, responding to these calls for service imposes additional costs on the affected agency. In Yolo County, the Rumsey Indian Rancheria Tribe pays for a specialized sheriff's unit and designated and trained deputies on a 24/7 patrol in response to the significant increase in calls for service to the Cache Creek casino.⁷²

The conclusions presented in Appendix N should be revised to more accurately reflect the evidence presented in the report and the actual data regarding the impact of casinos on crime and local law enforcement.

- *Findings presented in Appendix N with respect to incidence of crime are not reflected in suggested mitigations.* In addition to recognizing that the overall level of crime is likely to increase as a result of the influx of a substantial number of casino patrons and employees, Appendix N makes reference to specific types of crimes which may be influenced by the presence of a casino. For example, on page 20 the report presents information from a GAO study suggesting that the incidence of white collar crime may be correlated with the presence of casinos, specifically reporting data on embezzlement arrests which the GAO found were higher in Atlantic City relative to the statewide or national averages. On page 21, the report suggests that the presence of casinos in Las Vegas attracts a large number of male visitors who in turn increase the demand for prostitution. Data from Atlantic City also confirms that prostitution is likely higher where casinos are present. While some of the increase in prostitution may occur at the casino itself, it is likely that at least some of this increase in prostitution will take place at other locations in the surrounding community. Embezzlement crimes are similarly likely to occur at sites removed from the casino. In spite of these explicit references to increased crime (which are confirmed by the experiences of other casinos, as is referenced above) which results directly from the presence of the casino but may take place at sites removed from the casino, the EIS does not suggest adequate mitigation for the effects of increased crime (instead

⁷¹ See Graton Mitigation Program Budget 2014-2015 Year End Update, available online at http://rpcity.granicus.com/MetaViewer.php?view_id=3&event_id=506&meta_id=57488 detailing the expenditures of \$7.8M for FY 2014-15 primarily to replace lost revenue, roadway improvements, staff salaries and benefits for 2 officers and a senior analyst plus non-dedicated staff time, contractual and legal services, and vehicles.

⁷² More information on the Tribe's contribution to the Sheriff's Department is available online at <http://www.volocountysheriff.com/services/patrol/capay/>. For more information regarding the link between casinos, crime and the need for enhanced law enforcement, see also, http://napavalleyregister.com/news/local/rural-indian-casinos-bring-traffic-crime-as-well-as-jobs/article_6c033a00-73b0-11e0-b43d-001cc4c002e0.html. A Grand Jury Report regarding the impacts of Cache Creek Casino on Yolo County is available online at <http://www.volocounty.org/home/showdocument?id=13542>.

A16-235
(cont.)

A16-236

suggesting payments for local law enforcement only sufficient to compensate for the added calls for service to the casino itself). To satisfy the requirements of NEPA as well as a TEIR/TDEP, these impacts to the human environment (both direct and indirect) must be accurately accounted for and fully mitigated.

A16-236
(cont.)

The EIS should be revised to provide mitigation for the surrounding community to offset the costs of increased crime.

- *Statements relating to staffing levels are unsupported.* Appendix N makes several statements with respect to supposed lack of need for staffing increases due to the opening of the casinos discussed. For example, the report states on page 25 that “the operation of the casinos evaluated have not required additional staffing or costs to manage casino related incidents.” Several specific cases in which staffing levels did not appear rise are also reported, such as the statement in the section on Cincinnati that “The police department did not need to add any staff in response to the opening of the casino” or the statement with respect to the casino in Bethlehem Pennsylvania that “the department did not need to add any staff or equipment in response to the opening of the casino.” These statements are more or less baseless, as staffing levels are dictated by a host of criteria, including most notably the local agency’s budget. Since many of the reported results are from the period of the “great recession” during which many local governments across the country suffered budget cuts, the lack of staffing increases during this period was likely due to factors completely unrelated to the casino. As noted above, other police departments, such as the City of Rohnert Park, did need to hire additional staff and secure equipment in response to the opening of a casino.⁷³

A16-237

The report’s conclusions with respect to the lack of a need for staffing increases are unsupported and do not establish a causal connection between casino operations and law enforcement staffing levels and should be removed from the report.

- *Statements regarding the lack on an increase in crime are unsupported.* Appendix N states in several places that the casinos reviewed did not result in an increase in crime. For example, Appendix N states in the section on Cincinnati that, “The department has likewise seen a reduction in total annual 911 calls, indicating that the opening of the Horseshoe Casino has had no effect on crime in the city.”⁷⁴ However, while the figures reported span the period 2003 to 2013, the casino opened in 2013, the last year of 911 call data reported. Therefore, there is no basis for a conclusion that the casino opening had no impact on crime.

A16-238

Unsupported statements regarding the impact of casinos on crime should be removed from the report.

- *Appendix N implies that a casino is responsible for a drop in crime when the drop in crime predated the opening of the casino.* For example, on page 34, Appendix N states in reference to the Graton casino in Rohnert Park that “overall crime statistics have trended downward since 2010 and “the number of annual DUI/DWI arrests has dropped significantly since its peak of 205 arrests in 2008. These statements imply that the casino is somehow responsible for these trends. However, the casino opened to the public in late 2013, well after these apparent trends began.

A16-239

These statements are irrelevant to the conclusions presented and convey the misimpression that the casino was somehow responsible for the change. These statements should be removed from the report.

⁷³ See Footnote 65, supra, see also “Crowds Flock to new Rohnert Park Casino, clogging roadways” available online at <http://articles.latimes.com/2013/nov/05/local/la-me-ln-graton-casino-20131105>.

⁷⁴ EIS Appendix N, p. 27.

The Department of Public Safety in Rohnert Park recently reported that there has been a significant increase in crime since the Graton casino opening, particularly in the precinct where the casino is located.⁷⁵ Appendix N and the DEIS should be revised to show the actual effects of the Graton Casino on Rohnert Park.

A16-239
(cont.)

- *As a result of the limitations discussed above, the reported conclusions in Appendix N are of little value. The conclusion that several of the law enforcement agencies did not add staff in response to the casino are unsupported as are the conclusions indicating that the casinos discussed did not lead to an increase in crime. And, the reported estimate of calls for service for the Wilton casino appear understated based on data from at least four California casinos. Finally, none of the estimates reported include a reliable estimate of the increase in crime for the surrounding community.*

A16-240

The data, analysis and conclusions reported in Appendix N are unreliable and unsubstantiated and should be revised to more accurately reflect the impact of a casino on crime and local law enforcement. Comparable data for similar California casinos should be used to estimate the impact of the proposed Wilton Rancheria casino.

- *The BIA and NIGC have recognized the inherent connection between casinos and crime and the need to mitigate the impacts in similar contexts; this data should be used to inform the mitigation measures in this case. For example in the Final EIS for the Graton Casino, the consultant hired to do the economic analysis, Bay Area Economics, found that literature suggests that casinos result in increased auto thefts, violent crime, property crime.⁷⁶ To mitigate these impacts to a less than significant level, minimum mitigation payments for crime impacts were required in that FEIS, which were separate and apart from the requirements to pay for law enforcement services. A similar quality of analysis should be prepared and comparable mitigation measures included to minimize impacts in the case of the Wilton casino.*

A16-241

Appendix U. Economic Background and Competitive Effects Study

- The discussion regarding the projected retail substitution effect provided on page 37 is incomplete. As noted in the letter commenting on the ADEIS, dated April 13, 2015, Appendix U only addresses potential retail impacts on existing Native American casino retail establishments, and, evidently, there is very little of that within the competitive area. The study should evaluate the potential impacts on existing retail establishments that are not a part of an existing Native American casino operation. As stated above, there is no discussion regarding the development/permanent use of the remaining 206 acres of the Twin Cities site and any related impacts. Further, a discussion of the substitution effect on existing businesses within Galt and on the potential for development on other commercial properties within the City (including those proposed to be annexed), such as the properties at Simmerhorn Road/Highway 99, or across Highway 99 from the Twin Cities site is needed.

A16-242

⁷⁵ See Rohnert Park Annual Crime Report - http://rpcity.granicus.com/MetaViewer.php?view_id=3&clip_id=694&meta_id=57221.

⁷⁶ See Appendix N pages vii and 53 et seq, Socioeconomic Report in the Final EIS for the Graton Casino at: http://gratoneis.com/documents/final_eis/files/appendices/vol2/Appendix_N.pdf

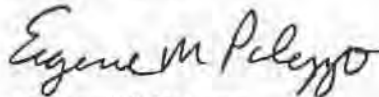
CONCLUSION

In summary, the City wants to ensure that the impacts from the Project are fully disclosed and mitigated. The format of a comment letter is limiting in terms of being able to identify the document's inadequacies and share our localized expertise. Though our requests for a staff meeting have not yet been accepted, we are hopeful that the BIA will collaborate with us on the preparation of the final analysis. If you would like to schedule a meeting or have questions regarding our comments, please contact me at 209-366-7100 or epalazzo@ci.galt.ca.

A16-243

Sincerely,

CITY OF GALT



Eugene M. Palazzo
City Manager

Cc: Galt City Council
Steven Rudolph, Galt City Attorney
Raymond Hitchcock, Tribal Chairman, Wilton Rancheria
Alexandra Barnhill, Burke, Williams and Sorensen

**ATTACHMENT 1:
TRIBAL ENVIRONMENTAL IMPACT REPORT REQUIREMENTS
(Excerpted from the Graton Compact)**

SECTION 2.0. DEFINITIONS

Sec. 2.24. "Significant Effect(s) on the Off-Reservation Environment" is the same as "Significant Effect(s) on the Environment" and occur(s) if any of the following conditions exist:

- (a) A proposed Project has the potential to degrade the quality of the off-reservation environment, curtail the range of the environment, or achieve short-term, to the disadvantage of long-term, environmental goals.
- (b) The possible effects of a Project on the off-reservation environment are individually limited but cumulatively considerable. As used herein, "cumulatively considerable" means that the incremental effects of an individual Project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
- (c) The off-reservation environmental effects of a Project will cause substantial adverse effects on human beings, either directly or indirectly.

SECTION 4.0 AUTHORIZED LOCATION OF GAMING FACILITY, NUMBER OF GAMING DEVICES, COST REIMBURSEMENT, AND MITIGATION.

Sec. 4.4. Cost Reimbursement and Mitigation to Local Governments. Before the commencement of a Project, the Tribe shall follow those procedures, and enter into those agreements, required pursuant to section 11, to mitigate Significant Effects on the Off-Reservation Environment that any tribal environmental impact report described in section 11 identifies may occur as a result of the Gaming Facility. In addition, the Tribe shall enter into agreements with the City and the County for such undertakings and services that mitigate the impacts of the Gaming Facility and thereby benefit the Gaming Facility, the Tribe, the City, the County, other affected jurisdictions, and the California Department of Transportation upon terms satisfactory to the Governor. By executing this Compact, the Governor represents that he has reviewed such agreements and they meet this condition.

SECTION 11.0. OFF-RESERVATION ENVIRONMENTAL AND ECONOMIC IMPACTS.

Sec. 11.8.1.¹ Tribal Environmental Impact Report.

- (a) Before the commencement of any Project as defined in section 2.23 herein, the Tribe shall cause to be prepared a comprehensive and adequate tribal environmental impact report ("TEIR"), analyzing the potentially significant off-reservation environmental impacts of the Project pursuant to the process set forth in this section 11.0; provided, however, that information or data which is relevant to such a TEIR and is a matter of public record or is generally available to the public need not be repeated in its entirety in the TEIR, but may be specifically cited as the source for conclusions stated therein; and provided further that such information or data shall be briefly described, that its relationship to the TEIR shall be indicated, and that the source thereof shall be reasonably available for inspection at a public place or public building. The TEIR shall provide detailed information about the Significant Effect(s) on the Environment which the Project is likely to have, including each of the matters set forth in

¹ Sections 11.1 through 11.7 have been deliberately omitted.

Appendix B, shall list ways in which the Significant Effects on the Environment might be minimized, and shall include a detailed statement setting forth all of the following:

- (1) A description of the physical environmental conditions in the vicinity of the Project (the environmental setting and existing baseline conditions), as they exist at the time the notice of preparation is issued;
 - (2) All Significant Effects on the Environment of the proposed Project;
 - (3) In a separate section:
 - (A) Any Significant Effect on the Environment that cannot be avoided if the Project is implemented;
 - (B) Any Significant Effect on the Environment that would be irreversible if the Project is implemented;
 - (4) Mitigation measures proposed to minimize Significant Effects on the Environment, including, but not limited to, measures to reduce the wasteful, inefficient, and unnecessary consumption of energy;
 - (5) Alternatives to the Project; provided that the Tribe need not address alternatives that would cause it to forgo its right to engage in the Gaming Activities authorized by this Compact on its Indian lands;
 - (6) Whether any proposed mitigation would be feasible;
 - (7) Any direct growth-inducing impacts of the Project; and
 - (8) Whether the proposed mitigation would be effective to substantially reduce the potential Significant Effects on the Environment.
- (b) In addition to the information required pursuant to subdivision (a), the TEIR shall also contain a statement indicating the reasons for

determining that various effects of the Project on the off-reservation environment are not significant and consequently have not been discussed in detail in the TEIR. In the TEIR, the direct and indirect Significant Effects on the Environment, including each of the items on Appendix B, shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. The discussion of mitigation measures shall describe feasible measures which could minimize significant adverse effects, and shall distinguish between the measures that are proposed by the Tribe and other measures proposed by others. Where several measures are available to mitigate an effect, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures should not be deferred until some future time. The TEIR shall also describe a range of reasonable alternatives to the Project or to the location of the Project, which would feasibly attain most of the basic objectives of the Project and which would avoid or substantially lessen any of the Significant Effects on the Environment, and evaluate the comparative merits of the alternatives; provided that the Tribe need not address alternatives that would cause it to forgo its right to engage in the Gaming Activities authorized by this Compact on its Indian lands. The TEIR must include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison. The TEIR shall also contain an index or table of contents and a summary, which shall identify each Significant Effect on the Environment with proposed measures and alternatives that would reduce or avoid that effect, and issues to be resolved, including the choice among alternatives and whether and how to mitigate the Significant Effects on the Environment. Previously approved land use documents, including, but not limited to, general plans, specific plans, and local coastal plans, may be used in cumulative impact analysis. The Tribe shall consider any recommendations from the County concerning the person or entity to prepare the TEIR.

Sec. 11.8.2. Notice of Preparation of Draft TEIR.

- (a) Upon commencing the preparation of the draft TEIR, the Tribe shall issue a Notice of Preparation to the State Clearinghouse in the State Office of Planning and Research ("State Clearinghouse") and to the County for distribution to the public. The Tribe shall also post the Notice on its website. The Notice shall provide all Interested Persons,

as defined in section 2.19, with information describing the Project and its potential Significant Effects on the Environment sufficient to enable Interested Persons to make a meaningful response or comment. At a minimum, the Notice shall include all of the following information:

- (1) A description of the Project;
 - (2) The location of the Project shown on a detailed map, preferably topographical, and on a regional map; and
 - (3) The probable off-reservation environmental effects of the Project.
- (b) The Notice shall also inform Interested Persons of the preparation of the draft TEIR and shall inform them of the opportunity to provide comments to the Tribe within thirty (30) days of the date of the receipt of the Notice by the State Clearinghouse and the County. The Notice shall also request Interested Persons to identify in their comments the off-reservation environmental issues and reasonable mitigation measures that the Tribe will need to have explored in the draft TEIR.

Sec. 11.8.3. Notice of Completion of Draft TEIR.

- (a) Within no less than thirty (30) days following the receipt of the Notice of Preparation by the State Clearinghouse and the County, the Tribe shall file a copy of the draft TEIR and a Notice of Completion with the State Clearinghouse, the State Gaming Agency, the County, the City, and the California Department of Justice, Office of the Attorney General. The Tribe shall also post the Notice and a copy of the draft TEIR on its website. The Notice of Completion shall include all of the following information:
 - (1) A brief description of the Project;
 - (2) The proposed location of the Project;
 - (3) An address where copies of the draft TEIR are available; and
 - (4) Notice of a period of forty-five (45) days during which the Tribe will receive comments on the draft TEIR.
- (b) The Tribe will submit ten (10) copies each of the draft TEIR and Notice of Completion to the County, which will be asked to post public notice of the draft TEIR at the office of the County Board of Supervisors and to furnish the public notice to the public libraries serving the County. The County shall also be asked to serve in a timely manner the Notice of Completion to all Interested Persons, which Interested Persons shall be identified by the Tribe for the County, to the extent it can identify them. In addition, the Tribe will provide public notice by at least one of the procedures specified below:
 - (1) Publication at least one time by the Tribe in a newspaper of general circulation in the area affected by the Project. If more than one area is affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas; or
 - (2) Direct mailing by the Tribe to the owners and occupants of property adjacent to, but outside, the Indian lands on which the Project is to be located. Owners of such property shall be identified as shown on the latest equalization assessment roll.

Sec. 11.8.4. Issuance of Final TEIR.

The Tribe shall prepare, certify and make available to the County, the City, the State Clearinghouse, the State Gaming Agency, and the California Department of Justice, Office of the Attorney General, at least fifty-five (55) days before the completion of negotiations pursuant to section 11.8.7 a Final TEIR, which shall consist of:

- (a) The draft TEIR or a revision of the draft;
- (b) Comments and recommendations received on the draft TEIR either verbatim or in summary;
- (c) A list of persons, organizations, and public agencies commenting on the draft TEIR;
- (d) The responses, which shall include good faith, reasoned analyses, of the Tribe to significant environmental points raised in the review and consultation process; and
- (e) Any other information added by the Tribe.

Sec. 11.8.5. Cost Reimbursement to County.

The Tribe shall reimburse the County for copying and mailing costs resulting from making the Notice of Preparation, Notice of Completion, and Draft TEIR available to the public under this section 11.0.

Sec. 11.8.6. Failure to Prepare Adequate TEIR.

The Tribe's failure to prepare an adequate TEIR when required shall be deemed a breach of this Compact and furthermore shall be grounds for issuance of an injunction or other appropriate equitable relief.

Sec. 11.8.7. Intergovernmental Agreement.

- (a) Before the commencement of a Project, and no later than the issuance of the Final TEIR to the County, the Tribe shall offer to commence negotiations with the County and the City, and upon the County's and/or the City's acceptance of the Tribe's offers, shall negotiate with the County and the City and shall enter into enforceable written agreements (hereinafter "intergovernmental agreements") with the County and the City with respect to the matters set forth below:
 - (1) The timely mitigation of any Significant Effect on the Environment (which effects may include, but are not limited to, aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, water resources, land use, mineral resources, traffic, noise, utilities and service systems, and cumulative effects), where such effect is attributable, in whole or in part, to the Project unless the parties agree that the particular mitigation is infeasible, taking into account economic, environmental, social, technological, or other considerations.

- (2) Compensation for law enforcement, fire protection, emergency medical services and any other public services to be provided by the County or the City and its special districts to the Tribe for the purposes of the Gaming Operation, including the Gaming Facility, as a consequence of the Project.
 - (3) Reasonable compensation for programs designed to address gambling addiction.
 - (4) Mitigation of any effect on public safety attributable to the Project, including any compensation to the County or the City as a consequence thereof.
- (b) The Tribe shall not commence a Project until the intergovernmental agreements with the County and the City specified in subdivision (a) are executed by the parties or are effectuated pursuant to section 11.8.8.
- (c) If the Final TEIR identifies traffic impacts to the State highway system or facilities that are directly attributable in whole or in part to the Project, and the intergovernmental agreements with the County or the City do not otherwise provide for mitigation of such impacts, then before the commencement of a Project, and no later than the issuance of a Final TEIR to the State Gaming Agency, the Tribe shall negotiate with the California Department of Transportation or the State Designated Agency (if one is designated) and shall enter into an intergovernmental agreement with the California Department of Transportation or the State Designated Agency to provide for timely mitigation of all traffic impacts on the State highway system and facilities directly attributable to the Project, and to pay the Tribe's fair share of cumulative traffic impacts.
- (d) Nothing in this section 11.8.7 requires the Tribe to enter into any other intergovernmental agreements with a local governmental entity other than as set forth in subdivision (a).

**ATTACHMENT 2:
GALT FEE ESTIMATE**

1/25/2016



CITY OF GALT
Community Development Department - Building Division
495 Industrial Drive * 209-266-7200 * 209-744-1642

FEE ESTIMATE

Fee Estimate # PE15-0007
Address
Applicant
Owner
Contractor
Job Description HOTEL: 225,280 SF (302 ROOMS)
Construction Cost \$ 40,750,899.20

Fee Description	Account Code	Amount
Bldg Standards Admin-CBSC	001-211-2113 CBSC-B75	\$1,631.00
BMEP 3-2014 FEE SCHEDULE	001-422-3221-BLDG-BMEP-48	\$211,834.12
Capital Acquisition Replacemen	001-412-3405-CARF -51	\$25.00
CIP INDUS - FIRE PROTECTION	011-412-3404-Fire Srvc -61	\$162,201.60
CIP Indus - General Government	011-412-3401-Gen Gov -58	\$36,044.80
CIP Indus - Traffic - Hotel/Mo	011-412-3402-Traffic Cir -59	\$676,480.00
Contractors License Tax	001-412-3211-Cnbret Lease -36	\$2,400.00
CRW Maintenance	001-412-3405-CRW Maint -51	\$14.00
CRW Program Recovery	001-412-3405-CRW Prog -51	\$24.00
Job Card Holder	001-422-3221-Jb Crd Hldr -48	\$1.50
Measure A - Hotel/Motel (per r	029-211-2115- MEASA	\$197,508.00
Measure A Admin 2%	001-406-3795- 64	\$3,950.15
Plan Check - Building	001-422-3423-BLDG PC -49	\$224,129.95
Planning Plan Check Commercial	001-412-3459-PL Plan/St Rv -27	\$470.00
Policy Document Maint - Recove	001-412-3466-PLNG Rcvry -30	\$126,327.79
PW Dept - Site Plan Review-Co	001-412-3416-PW PC-57	\$558.00
SMP - Non-Residential	001-211-2112-SMP -53	\$11,410.25
Total Amount Due (City of Galt fees only, see below.)		\$1,655,010.17

1/29/2016



CITY OF GALT
Community Development Department - Building Division
495 Industrial Drive * 209-366-7200 * 209-744-1642

FEE ESTIMATE

Fee Estimate # PE15-0008
Address
Applicant
Owner
Contractor
Job Description CASINO 376,500 SF / PARKING/LAND 2,934,500 SF (76 ac)
Construction Cost \$ 70,338,195.00

Fee Description	Account Code	Amount
8 INCH DIAMETER WATER SERVICE	013-512-3492-Water Conn -55	\$192,350.00
Bldg Standards Admin-CBSC	001-211-2113 CBSC -B75	\$2,814.00
BMEP 9-2014 FEE SCHEDULE	001-422-3221-BLDG-BMEP- 48	\$363,324.68
Capital Acquisition Replacement	001-412-3405-CARF -51	\$25.00
CIP RETAIL - FIRE PROTECTION	011-412-3404-Fire Svc -61	\$466,860.00
CIP Retail - General Government	011-412-3401-Gen Gov -58	\$86,595.00
CIP Retail- Traffic/Circulation	011-412-3402-Traffic Cir -59	\$5,805,630.00
Contractors License Tax	001-412-3211-Contract Lense -36	\$2,400.00
CRW Maintenance	001-412-3405-CRW Maint -51	\$74.00
CRW Program Recovery	001-412-3405-CRW Prog -51	\$24.00
Job Card Holder	001-422-3221-Jb Card Hldr - 48	\$1.50
Plan Check - Building	001-422-3423-BLDG PC -49	\$386,860.07
Planning Plan Check Commercial	001-412-3459-PL Plan/St Rv -27	\$470.00
Policy Document Maint - Receive	001-412-3466-PLNG Rcvy -30	\$218,048.40
PW CIP STORM DRAIN	022-412-3414-Storm Drain -79	\$252,624.00
PW Dept- Site Plan Review-Co	001-412-3416-PW PC-57	\$558.00
SEWER - SFD	014-512-3442-Sewer Conn -54	\$8,219,408.00
SEWER - SFD SUPP WWPT	014-412-3410-Supp Sewer -N5	\$5,433,168.00
SMIP - Non-Residential	001-211-2112-SMIP -53	\$19,594.69
Total Amount Due (City of Galt fees only, see below.)		\$21,450,849.34

***LETTERS FROM ORGANIZATIONS AND
BUSINESSES***

**Comment Letter O1**

Broussard, Chad <chad.broussard@bia.gov>

Re: Wilton Rancheria EIS Comment

1 message

Rydzik, John <john.rydzik@bia.gov>

Thu, Dec 31, 2015 at 7:15 AM

To: "Paul C. Murphey" <pmurphey@paleosolutions.com>

Cc: Geraldine Aron <geraldine@paleosolutions.com>, Katherine Green <kgreen@analyticalcorp.com>, Chad Broussard <chad.broussard@bia.gov>, Harold Hall <Dan.Hall@bia.gov>

Thank you for your comments Paul

John Rydzik

Chief, Division of Environmental, Cultural Resources Management & Safety

Bureau of Indian Affairs

2800 Cottage Way

Sacramento, CA 95825

(916) 978-6051

On Wed, Dec 30, 2015 at 3:32 PM, Paul C. Murphey <pmurphey@paleosolutions.com> wrote:

Hi John,

I read the paleontological resources section of the above named EIS and have a comment to contribute.

Frequently the preparers of EIS sections on paleontological resources are not paleontologists, and do not do an adequate job of obtaining and analyzing the data. In this case, I would like to point out that the sensitivity of individual geologic units of Pleistocene age do vary in the Elk Grove area. In 2004, while working on a pipeline project for the Cosumnes Power Plant, we discovered a mammoth skull about 5 feet below the surface in the pipeline trench in Elk Grove in sediments of the Riverbank Formation. The mammoth skull was excavated and is now curated at the Sierra College Natural History Museum in Rocklin. Any EIS analysis of paleontological resources in the central valley that does not include a records search conducted at the Sierra College Natural History Museum will likely miss important information that should be used in assessing the potential for impacts of scientifically important paleontological resources.

O1-01

Thank you, and please let me know if you have any questions.

Paul C. Murphey, Ph.D. Vice President and Rocky Mountain Operations
Director, Rocky Mountain Paleo Solutions

Cell: 303-514-1095

Fax: 626-359-0712

Email: paul@paleosolutions.com

Website: www.rockymountainpaleosolutions.com

12/31/2015

DEPARTMENT OF THE INTERIOR Mail - Re: Wilton Rancheria EIS Comment



Address: 1216 E. 10th Ave., Denver, CO 80218

Certifications: DBE, SBE, WBE



Comment Letter O1 cont.

WRITTEN COMMENT CARD

BUREAU OF INDIAN AFFAIRS - PUBLIC HEARING
WILTON RANCHERIA FEE-TO-TRUST AND CASINO PROJECT

CHABOLLA COMMUNITY CENTER - GALT, CALIFORNIA
January 29, 2016

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW. WRITTEN COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT MUST ARRIVE BY FEBRUARY 29, 2016.

(Please write legibly)

Name: Steve Holman Organization: Self & Galt Business Builders Networking Co
Address: 24605 N. WILKINSON RD. HASIMO CA.
Comment: I believe this project would be a huge plus for Galt & the Central Valley. We asked our Business Club members if they could think of any negatives, we had NO Negative Comments, all agreed this would be a very positive move for our area. We also would like to thank the tribe for taking on this huge project. The time, money to just get started is huge. Thank you!!

Please give to attendant, drop in Written Comment Box, or mail to: Bureau of Indian Affairs, Attention: Amy Dutschke, Pacific Regional Director, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "DEIS Comments, Wilton Rancheria Fee-to-Trust and Casino Project" on the first page of your written comments.

O2-01

January 26, 2016

El Dorado County Supervisors

Fair Lane Dr.

Placerville, CA 9566

Dear Supervisor Mikulaco, Frentzen, Veerkamp, Ranalli, Novasel

The El Dorado Council, a community based organization, has done extensive research on "Sovereignty", "Fee-to-Trust", and the Shingle Springs Band of Miwok Indians. In that investigation the Council has discovered disturbing major elements of inconsistencies and possible fraud. Two of these issues facing all California counties are not being addressed by our elected officials at the state or federal levels of government, "Sovereignty", "Fee- to- Trust lands" and its effects on surrounding communities.

In February of 2015, the Red Hawk casino tribe let it be known to the surrounding community that they intended to build a 29-lane outdoor gun range within a few hundred feet of homes, livestock, public trail, railroad, two schools, a church and directly parallel to highway 50. The community organized and fought back leaving a smaller commercial project with no professional oversight for tribal members and guests.

On August 1, 2015 the tribe opened a moto-cross track on the same land as the gun range, for commercial use (section 6-7), creating the loss of all local community support, good will and land values even though their state compact states they are to be "good neighbors".

El Dorado County's casino tribe's real name is the Sacramento Verona Band of Homeless Indians originating from Sacramento, Sutter and Yolo Counties, NOT indigenous to El Dorado County. The Council believes this Verona Band purposely and fraudulently took the name of the Shingle Springs Band of Miwok Indians for personal gain. (Position Statement of the Board of Supervisors of El Dorado County dated April 2003 attached).

The Pacific Region Bureau of Indian Affairs has ignored this fact and the fact that this Verona Tribe is NOT a federally recognized tribe under the Indian Reorganization Act of 1934. The BIA has approved 100% of all applications that have come before it concerning "Fee-to-Trust" and has 52 applications for "Fee-to-Trust" in California for the year 2015. The lack of oversight and a sound policy process by the BIA has led to destruction of general plans, zoning (which is a major vehicle a county can protect its land use and the surrounding communities), and creation of disintegrating land values to area property owners.

The ability of "Off Reservation Trust Land" to become "Sovereign" should be stopped, a tribes economic viability should not depend on immunity to local, county and state laws. Any person, group or tribe should be able to own and operate on a level playing field when establishing a business or when buying land. When tribes can purchase lands over 20 or more miles from Rancherias, then apply for "Fee- to - Trust" and become "Sovereign," creates a devastating effect on communities and their property values. Over 11,600 acres in 2015 are being taken off the tax rolls and the Bureau of Indian Affairs rubber stamps all applications over protests of local counties and non-Indian residents.

O3-01

The communities surrounding the Rancheria in El Dorado County, are asking for your representation and help as our elected officials.

1. Convey our message to other state and federal officials, both elected and appointed, request the federal government stop "Off Reservation Fee to Trust".
2. Demand the BIA give local cities and counties more say and time in the evaluation of applications before the Bureau and the Secretary of the Interior with no "Bait and Switch".
3. Demand they change the "Sovereignty" status to resemble "State Sovereignty" not "National Sovereignty". The law of the land should apply in "Indian Country" this will allow outside investment for more jobs and economic stability.

This Red Hawk casino tribe is not a "GOOD NEIGHBOR" required by their 1999 and amended 2012 compact with the State of California. The state required Rancherias to be occupied by October of 1988 to enter into a gambling compact. The Council has evidence that the Rancheria was NOT occupied in 1988 but much later (EID document recorded March 1989 attached), it appears they were not qualified for a state gambling compact.

This casino tribe is in the process of developing 34.6 acres of "Trust Land", designated by BIA application of 2003 for housing and a health clinic, now to be a massive commercial complex of 6 island gas station/car wash/mini-mart, 5 story hotel, retail strip mall, two fast food restaurants and possibly a convention center, theater or skating rink. All of this in the middle of a rural Shingle Springs neighborhood. (section 4-8)

Shingle Springs has become the national "POSTER CHILD" for the broken "Fee-to-Trust" system and sadly Shingle Springs is not alone. The new businesses proposed for the 34.6 acres west of Shingle Springs Dr. are not stand alone and some of the proposed businesses appear to be ancillary to the Red Hawk Casino against the tribe's compact with the state.

The information enclosed in this report demonstrates the lack of oversight by the BIA and the Secretary of the Interior. The acceptance of an Environmental Assessment of 2003 that was flawed in ignoring county recognition of asbestos in the area and the "BAIT and SWITCH" that occurred shortly after 4 parcels were taken into trust and the county's response that this would destroy the county's ability to control its general plan, land use and zoning (section 3).

We believe in property rights for everyone, not just an Indian tribe, we all live in and share a common community. When Native American Tribes buy "Off Reservation Land", they should be held to the same standards of rules, regulations and common law as non-Indians.

In conclusion, tens of thousands of acres of California land is and has been taken off the tax rolls. Tribe businesses have the advantage of NO STATE TAXES, NO INSURANCE REQUIREMENTS, NO SALES TAXES, NO BUSINESS LICENSING, NO EMPLOYEE WITH-HOLDINGS for tribe members as required for non-Indians is unfair competition to non-Indian businesses. As taxpayers, we have to have this burden shared, no one should be treated differently. When Native Americans living on Rancherias use the same services, road infrastructure, and schools everyone should contribute.

4. Off reservation acquisitions of land should NOT go into trust. County, cities and states should retain oversight in land use, zoning, health and safety. All government agencies who have oversight on health, safety and the environment should retain jurisdiction.

5. The "GIVING OF TAXPAYERS MONIES" to this tribe (2.6 million), and surrendering citizen's rights in contracts, such as MOU's, is malfeasants and needs to be rectified.

6. The 160 acres of Rancheria land is held in "FEE" not "TRUST" why is El Dorado County NOT COLLECTING PROPERTY TAXES?

Off reservation "Fee-to-Trust" lands are dividing communities under the present system. Treat reservations as states are treated, common law with state sovereignty. The residents of Shingle Springs, outlying Placerville, and Rescue are asking for your help and representation in stopping this abusive system. We believe most elected and appointed officials in every level of government are turning a "blind eye" to the abuse, PLEASE HELP! EDUCATE THEM.

Senator Barasso of Wyoming, Chairman of the Select Committee on Indians Affairs, has a bill S. 1879 he is moving thru congress to fast-track the "Fee to Trust" process, please use your influence to amend or stop this legislation. Start the process in joining all California counties in petitioning the federal government to stop "OFF RESERVATION FEE- TO- TRUST".

At the present time a national coalition of tribal governments are moving toward legislation to exempt themselves from federal labor laws, again this is an "ABUSE OF SOVEREIGNTY". This legislation, regardless of your feelings of labor protections, is BAD for all working people. We believe in fairness "ONE LAND, ONE PEOPLE, ONE LAW".

Respectfully,



Carol Louis, El Dorado Council

Contact info: info@eldoradocouncil.org 530 622-6763 www.eldoradocouncil.org

Cc: Shingle Springs Community Alliance, Buckeye Rancheros South, Buckeye Rancheros North, Shingle Springs Drive Residents, Holiday Lake CSID, Grassy Run, Senator Dianne Feinstein, Senator Barbara Boxer, Congressman Tom McClintock, State Senator Ted Gaines, Assemblyman Frank Bigelow, Assemblywoman Beth Gaines, Joe Dhillon Sr. Advisor for Tribal Affairs - Office of Governor Brown, Don Young- Chairman of Subcommittee on Indians Affairs

O3-01
(cont.)



January 27, 2016

Attn: BIA
Regarding: Wilton Rancheria

The Yuba-Sutter Chamber of Commerce stands in support of projects such as the Wilton Rancheria proposal, for its potential to become a significant economic driver for its region.

Anticipated benefits include job creation, social responsibility programs that benefit community non-profit and education organizations, improved access to top quality facility spaces (as appropriate for community connections and business workspaces, meeting rooms and more).

In addition we have found tribal host organizations to be extremely engaged, supportive and consistent contributors to community involvement and development.

Our region has benefited significantly from the inclusion and support of our tribal hosts and partners. We strongly recommend moving forward with a project that can become a great asset to your region.

O4-01

Sincerely,

Rikki L. Shaffer

Rikki L. Shaffer
CEO
Yuba-Sutter Chamber of Commerce
PH: 530-743-3160
Email: rshaffer@yubasutterchamber.com



Chris Newell owner of Galt Sign & Screenprinting
521 C St. Galt, Ca. 95632

1/27/2016

Ms. Amy Dutschke
Pacific Region Director, Bureau of Indian Affairs (BIA)
2800 Cottage Way,
Sacramento, California 95825.

Re: DEIS Comments, Wilton Rancheria's Project

Dear Ms. Dutschke,

Please accept these verbal comments that I plan also to submit, after I am done speaking, as written comments for the record.

Please accept these written comments into the record for the Wilton Rancheria DEIS hearing.

Good evening, my name is Chris Newell and I own a business here in Galt. I have lived in Galt 28 years and have started my business here in 1995, and would like to speak regarding the benefit to businesses here of the Wilton Rancheria project.

If the Wilton Rancheria is true to their word, and uses local business to build, supply, stock, identify the casino, restaurant, resort, It would be a huge support to local businesses. They have the ability to give a viable economic shot not only to individuals in the form of jobs, training and more. But would keep local money local and improve the economic status of local businesses. I foresee if the Rancheria uses my business at Galt Sign & Screenprinting, I could see the purchase of new equipment, expansion of business, hiring of new employees to be able to service them. So not only will they be employing new people, they will be giving the local businesses ability to grow and hire new people.

I could go on and on about the benefits of this project, But I feel that there is no drawback to the Wilton Rancheria Project. As they move forward If they are truly in support of local businesses, I will support this project to move forward.

Respectfully,
Chris Newell/owner of Galt Sign & ScreenPrinting

O5-01



P.O. Box 1446
431 S. Lincoln Way
Galt, Ca. 95632
(209)745-2529
Fax (209)745-0840
Info@galtchamber.com
www.galtchamber.com

1/29/16

Ms. Amy Dutschke
Pacific Region Director, Bureau of Indian Affairs (BIA)
2800 Cottage Way,
Sacramento, California 95825.

Re: DEIS Comments, Wilton Rancheria's Project

Dear Ms. Dutschke,

Please accept these verbal comments that I plan also to submit, after I am done speaking, as written comments for the record.

Good evening, my name is Ann Ullrich and currently reside at 11100 Liberty Rd. but have been a resident of both Wilton and Galt for most of my life. I am the Vice Chairperson of the Galt District Chamber of Commerce and would like to speak regarding both the benefits to our community of the Wilton project and the Chambers stance as well.

The Galt Chamber supports the Wilton Rancheria in their endeavors because of the positive economic contribution we feel this will make to our business community by creating more jobs for our local residents, along with the infrastructure that will help both already existing businesses be more prosperous and bring new businesses to town.

As co/chair of the Shop Local committee that was established to help showcase our local businesses and encourage residents to spend their money locally I believe that the fact that the Wilton Rancheria tribe is composed of many local residences will be a positive as well with their already active participation in our community.

In conclusion we support the Rancheria's project and look forward to working with them to make Galt an even better business climate so that our local economy can thrive in the future.

Thank you for your consideration,

A handwritten signature in black ink that reads "Ann Ullrich". The signature is fluid and cursive.

Ann Ullrich



January 29, 2016

Ms. Amy Dutschke
Pacific Region Director, Bureau of Indian Affairs (BIA)
2800 Cottage Way
Sacramento, CA 95825

Re: Wilton Rancheria Resort DEIS and Project

Dear Ms. Dutschke,

It is a pleasure to write this letter. I regret not being able to attend the Hearing this evening and to speak in person but would like to present this letter as my comment.

My name is Terry Parker and I reside at 12980 Alta Mesa Road, Herald. I also own a real estate company located at 545 Industrial Drive, Galt. I have lived in the Galt Community for the majority of my life. I am very active in the community and hold many hats. I am on Galt District Chamber of Commerce Board, Galt Joint Union High School Board and various clubs and committees.

The Wilton DEIS document, prepared for the BIA, indicates that the project “will not adversely impact on local property values”, which I believe is true. In fact, I believe the project will boost values – something that is very important to me as both a neighbor to the project and a local Real Estate Broker.

My limited experience with the regional tribal gaming facilities like Shingle Springs, Thunder Valley in Lincoln and Jackson Rancheria in Jackson suggests that tribal casinos do not hurt but can actually help property values in these communities by building strong economies. These casino communities have grown and flourished since the casinos arrived and I see the same thing happening

her in Galt as more jobs, wages and public funding flow into our local economy and businesses – to the tune of over \$1.1 million a day, according to the DEIS!

O7-01
(cont.)

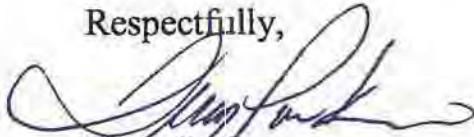
Also, the Tribe's commitment to mitigate any potential significant impacts from the projects like improving roads in the area will help not only the Wilton Rancheria but also those of us who live in proximity to the resort as well as the entire community.

In conclusion, this letter of support does not come without a lot of thought to the best interest of our Citizens and Business Community. Because of my life long history with this community, I have known 2 of the board members of the Wilton Rancheria; Joyce Dozier and Tonya Caldwell who have also lived in the community for most of their lives. I cannot express enough the contributions they have made to our community through our schools, non profit organizations and businesses. I go to the Wilton Rancheria Board often to assist with Business and community projects and they are always generous with their time and pocket book. I think the Wilton Rancheria will be a great partner with the City of Galt to enhance both the Wilton Tribe and the Community of Galt.

O7-02

For these reasons, I support the proposed Wilton Rancheria and ask that the BIA move the project along as quickly as is possible.

Respectfully,



Terry Parker

terry@parkerrealtygalt.com

209-810-0720

Stand Up For California!

“Citizens making a difference”

www.standupca.org

P. O. Box 355
Penryn, CA. 95663

February 9, 2016

Amy Dutschke
Pacific Regional Director
Bureau of Indian Affairs
2800 Cottage Way,
Sacramento, CA. 95825

**RE: Comment on DEIS of Proposed Wilton Rancheria (“Tribe”)
Fee-to-trust and Casino Project, Sacramento, CA.**

Dear Regional Director Dutschke,

The following comments are submitted on behalf of *Stand Up For California!* (Stand Up). The proposed project and preferred alternative consist of: 1) placing approximately 282 acres of land in the unincorporated County of Sacramento into trust, 2) approval of a gaming management contract and associated agreements, 3) development of a casino with approximately 110,260 square feet of gaming floor area, a 12 story hotel with 302 guest rooms, a 360 seat buffet, 60 seat pool grill and other food and beverage providers, a 2,600 square foot retail area, a fitness center, spa and approximately a 48,000 square foot convention center.

The following comments are our initial response to the DEIS. The draft EIS has several deficiencies, including ambiguous information. Because of these discrepancies, the Draft EIS does not fully evaluate all of the direct and indirect effects that the Proposed Action could have on the surrounding off-reservation environment. We anticipate, however, that new issues will arise as more information regarding the Tribe’s proposed casino is developed and we plan to respond to those issues as needed.

O8-01

1. FLAWED DESCRIPTION OF THE PROJECT

The DEIS is silent on the applicable section the Indian Gaming Regulatory Act (“IGRA”) that applies to this fee-to-trust transaction. The Wilton Rancheria Tribal Resolution No. 2013-53 states that the Tribes request for a fee-to-trust transaction will adhere to the IGRA 25 U.S.C. Section 2719 (b)(1)(A). This section of IGRA requires the concurrence of the Governor of California. Since the Tribe has identified this fee-to-trust transaction as a two-part determination, the City of Galt and Elk Grove and the County of Sacramento and other state agencies or local districts have a substantial role in the federal process as well as state legal obligations to adhere to the California Environmental Quality Act (“CEQA”). The Department must provide the public with accurate information; failing to do so is inconsistent with National Environmental Policy Act (“NEPA”) and the Administrative Procedure Act.

O8-02

While the DEIS has gone to great trouble to identify development of a the project with approximately 110,260 square feet of gaming floor area, a 12 story hotel with 302 guest rooms, a 360 seat buffet, 60 seat pool grill and other food and beverage providers, a 2,600 square foot retail area, a fitness center, spa and approximately a 48,000 square foot convention center BUT neglects to include the number of slot machines and gaming tables. This is a casino proposal. *Omitting the number of slots and table games yet including the number of seats poolside creates a flawed vision of the project.* To find the number of slots and table games, one has to dig through all of the Appendices to find it on page 824 of volume II, Appendix O under Traffic. The number one determinant of environmental impacts for a casino proposal is the number of customers. The driver for the number of customers is the number of machines and the number of table games, not the number of seats at the poolside grill. Without this fundamental information included in the project description it lacks a basis to measure the direct and indirect impacts, thus the project description is significantly flawed.

O8-03

The application is for 282 ac. zoned as agricultural lands. The casino development can be developed on 60 to 70 ac. of land. The Tribe has stated the intent of the remaining acreage is to create a buffer between the casino and the City of Galt. Once land is in trust, a tribe can change its mind as to the development of that land. A perfect example is an application by the Shingle Springs Miwok for a medical center, the land was taken into trust but the medical center never constructed on that land. In 2015, the Tribe announced plans to develop a shooting range on this land contiguous to the casino that would be within a 1000 feet of non-tribal homes, schools and churches. This creates a serious conflict due to change of land use. There is no guarantee that the Wilton Tribe will use the additional lands for a buffer zone. A complete description and evaluation of the land use in the foreseeable future must be provided.

O8-04

2. RANGE OF ALTERNATIVES IS INADEQUATE

NEPA requires consideration of a reasonable range of alternatives to federal action. But without enforceability, the different alternatives examined in the DEIS are merely different scenarios that may or may not play out from the almost infinite range of actions the Tribe might take once the proposed federal actions have been taken. For example, in terms of the Departments' actions the proposed casino alternative at the prior Rancheria is no different than the no action alternative. The proposed alternative projects at the former Rancheria have potential hurdles, but hurdles that can be overcome without federal actions. The Rancheria lands are privately held in the name of individuals not the tribal government. However, the Tribe may be able to purchase or lease these lands. Current Department policy views former Rancheria lands as restored which permits development of a class II gaming facility without seeking federal or state approvals.

O8-05

This fee-to-trust transaction is a two-part determination, meaning that it will require the Governor of California to agree to remove the lands out of the regulatory authority of the state. Once the land is in trust the Tribe could then develop class II gaming on those lands. The real alternatives to this Department action considered in the DEIS is therefore collapse into just one action alternative and the compulsory "no action" alternative: The Department will either take the suite of actions (two-part determination and acquisition into trust) necessary to allow gaming at the Highway 99 site, or not. This is not a reasonable range of alternatives.

3. ALTERNATIVES MUST CONSIDER THE PROBABILITY OF EXPANSION

Future expansion of the proposed project is also a possibility that the DEIS does not consider. There is no enforceable measure preventing the Tribe from building a casino on the proposed site, and then later seeking to have adjoining land taken into trust to expand the operations or even developing the former Rancheria. There is however, reason to believe that this is entirely likely to happen. Tribes throughout California have continued to acquire additional acreage with their casino revenues. Each new fee-to-trust transaction will take land out of

O8-06

the county or city regulatory authority. Each new fee-to-trust transaction removes acres of land off of the tax rolls affecting the scarce general funds of local governments.

O8-06
(cont.)

4. THE MOU'S

Stand Up is very concerned about the impacts the proposed project could have—both on the surrounding community and statewide. This is a large scale project which presents significant and profound changes to the human environment. Stand Up appreciates the development of the required Memorandums of Understanding (MOU) between the County of Sacramento, the City of Elk Grove and the Tribe ordered in the Court Settlement. However, in Sacramento County's April 13, 2015 letter of comment on the Administrative Draft it appears the Tribe did not live up to the terms of the Tribal Project Environmental Document to identify and thoroughly define impacts and present mitigation measures consistent with the terms of that agreement.

O8-07

The Court Settlement did not require an MOU with the City of Galt. The proximity of the casino to the city and current city proposed developments of 1400 housing units, 44 acres of parks and open space, an elementary school, commercial development and potential San Joaquin Delta College satellite campus will be significantly impacted. Mitigation measures for shared water resources, waste water, transportation and air quality must be reviewed for their adequacy and feasibility.

O8-08

The Court Settlement did not require a MOU with California Department of Transportation. Yet this project will require significant restructuring of on and off ramps to conform to state safety standards. Again, local government and state agencies are only exempted from complying with the CEQA when a tribe's tribal state compact is ratified by the State Legislature as the exemption is provided in that statute.

O8-09

There is a legal question that the Court Ordered MOU is inconsistent with CEQA and therefore maybe unenforceable in whole or in part. The MOU in paragraph 2 states:

Scope of Agreement. This Agreement shall apply to any Tribal Lands located within the County including, but not limited to, any of the land specified in Paragraphs 7 and 8 of the Stipulation. The City and County agree not to oppose any efforts to have lands taken into trust for the tribe provided that Tribe complies with the provisions of this Agreement. If any question arises between the Parties as to this Agreement's application of any given piece of parcel of land, or any development thereon, the dispute resolution provisions of this Agreement shall apply. (Emphasis added)

O8-10

The County and the City have exercised their governmental discretion providing an entitlement for land use to the Tribe. This action commits the County and the City to comply with all aspects of the CEQA. The impacts mitigated under this MOU cannot be relied upon, and therefore provide no basis for any determination that the Tribe's proposal will not be detrimental to the surrounding community.

5. ENVIRONMENTAL IMPACTS

A. WATER:

Water throughout California is a scarce resource that must be properly managed. The DEIS discusses the Tribe's use, but not a management plan that encompasses the off trust lands community or the affected water basins. The report does not take into consideration the significant

O8-11

and historic drought conditions California is currently experiencing the fact that drought projections are forecasted to last for the next 10 years. As a result, California now has an important new water conservation law that requires tribes to participate on a *voluntary basis only*. On September 16, 2014, Governor Brown signed new legislation regulating groundwater use.¹ The new laws require local agencies in fast-depleting basins to draw up and implement groundwater sustainability plans to put groundwater basins on a path to sustainability by 2040. The central feature of the new laws is that they allow local jurisdictions to assess the conditions of their local groundwater basins and take steps to bring those basins in a state of chronic overdraft into balance. This goal cannot be achieved if major water users within a particular basin are not obligated to comply with the management objectives, yet the law exempts tribes from participating. Considering that this proposed casino will require the “concurrence” of the Governor of California, compliance with state ground water law is a necessity.

O8-11
(cont.)

Careful consideration of the relationships between water quality and water quantity must be considered for planning activities. We need only look at the recent headlines regarding the City of Stockton, CA. or the City of Flint, MI. The DEIS assumes that city water supplies are assured and does not consider pollution threats to that supply. Projects must be considered in light of their actual potential beneficial uses, and water quality problems associated with human activities. The DEIS does not consider any possibility that the local water supply could be affected. A supplemental EIS is necessary to consider potential threats to the water supply of the City of Galt.

B. TRAFFIC:

It does not appear that this project can be constructed without the access of the restructuring or construction of a new highway interchange proposed by the California State Transportation. This is necessary to serve the development of a casino with approximately 110,260 square feet of gaming floor area, a 12 story hotel with 302 guest rooms, a 360 seat buffet, 60 seat pool grill and other food and beverage providers, a 2,600 square foot retail area, a fitness center, spa and approximately a 48,000 square foot convention center, an average of 200,000 gallons of water per day demand for drinking water and wastewater disposal as well as 4+ tons per day of garbage disposal and access for the approximately 1,750 full time employees. Approximately 2,104 slot machines and 80 table games. One slot machine can generate as many as 13 car trips a day.

O8-12

- The DEIS must evaluate the impacts of special event traffic including weekend and evening peak hours for the casino and hotel complex. Evaluate the cumulative impacts given other event venues in the area.
- Evaluate the impacts of commute traffic generated by employees of the casino or the potential of the new proposed developments in the City of Galt.
- Identify how transit access or junket bus operation will be operated as part of the property.

¹ The new legislation consists of three separate bills: AB 1739, SB 1168, and SB 1319.

- Evaluate traffic safety issues related to the project including access to private property in the area of the project.
- Evaluate the emissions of criteria pollutants from the expected casino traffic and construction activities and compare to the Regional thresholds.
- A significant adverse noise impact will therefore result which the DEIS must evaluate.

O8-12
(cont.)

O8-13

O8-14

C. WASTEWATER:

- For all on-site treatment options a membrane bioreactor technology (“MBR”) will be used. This requires an evaluation of fouling control.
- Moreover, MBR’s often have to be replaced. The DEIS must consider this event and evaluate this significant impact.
- There must be a contingency plan in the event of a MBR failure that considers clean up and polluting of off-reservation water supply and damages. This is rural farm land; many private properties are still on wells and septic systems. A large wastewater release will have a significant impact on the regional area.

O8-15

D. ECONOMIC:

The impacts to State and local tax revenues from the proposed acquisition have not been fully evaluated by the Department or accounted for by the MOU’s with the County of Sacramento and the City of Elk Grove. To begin with, the loss of tax revenues has been substantially underestimated. As a relevant comparison, an independent report on the fiscal impacts to State and local governments for the North Fork gaming trust acquisition estimated over \$100 million per year in lost revenues to non-tribal businesses and \$1.4 million per year lost to state revenue, greatly reducing the amount of funding to California schools across the state.² The full magnitude of the potential losses in tax revenues must evaluate by the Department, the State and the local governments affected.

O8-16

6. AUTHORITY TO ACQUIRE LAND IN TRUST

Under the Solicitor Opinion M-37029, the Department treats any Indian Reservation election under Section 18 of the IRA (regardless of whether the vote accepted or rejected the IRA) as “unambiguous federal actions that obviate the need to examine the tribe’s history prior to 1934” to determine whether a group was a “tribe” and “under federal jurisdiction in 1934”. (Sol.Op. at 20-21). This legal interpretation is incorrect and cannot be relied upon to establish that statutory authority exists for the Wilton Rancheria trust application. The Department must undertake the “fact” and “tribe-specific” inquiry (described in the Solicitor’s Opinion at 18-

O8-17

² Blue Sky Consulting Group, A Fiscal Analysis of the Proposed North Fork Rancheria Casino Resort: Estimating the State and Local Fiscal Effects (Aug. 13, 2014), available at:

<https://www.standupca.org/legislation/Blue%20Sky%20Consulting%20Group%20North%20Fork%20Report.pdf/view>

20) to determine if Wilton Rancheria was an Indian “tribe” and “under federal jurisdiction in 1934”. The fee-to-trust application and the NEPA process is simply a wasted exercise to rubber-stamp the acquisition of land without a thorough determination.

The Wilton Rancheria Tribe pursuant to a court-approved settlement agreement with the United States was restored to federal recognition on June 3, 2009. (*Wilton Miwok Rancheria, et al v. Salazar*) **Nevertheless, the court settlement did not resolve the serious legal question of whether or not the Secretary of the Interior has the authority to acquire land in trust for this Tribe.** The Court never considered the history of the tribe on its merits. Thus, the question remains: Does the Secretary of the Interior have authority under the Indian Reorganization Act (IRA), 25 U.S.C. 479, to acquire land in trust for the Wilton Rancheria Miwok?

The Department settlement agreement raises additional constitutional questions over separation of powers. Moreover, the Department lacks statutory authority to restore or reaffirm a congressionally terminated tribe. It takes an Act of Congress to undo an Act of Congress. The United State Constitution grants Congress plenary power over Indians and Indian tribes leaving the judicial branch no vested powers to terminate or recognize an Indian tribe.

To be eligible for a trust land acquisition under the IRA, the Tribe must have been “federally recognized” and “under federal jurisdiction” in 1934, (*See-Carcieri v Salazar, 555 U.S. 379,295 (2009)*). The United States purchased 38.8 acres of land near Wilton but it was for “homeless Indians of California”, not a specific tribal entity. There is no explicit purchase of land for a Wilton Tribal entity. It was often the case that California Rancherias housed individual Indians, but not any tribes. It seems apparent that the Wilton Rancheria was acquired without regard to formal organization or tribal status. Historically, tribes were recognized by treaty or executive order of the President, Cohen’s Handbook of Federal Indian Law, section 3.02[4], at 136 (Nell Jessup Newton ed. 2012), and it is clear that Wilton is neither a treaty nor executive order tribe. Alternatively, a tribe may benefit from a government-to-government relationship with the United States through recognition by an act of Congress or by the Department’s regulatory process in Part 83. ***Whether Wilton Rancheria was a recognized Indian tribe in 1934 is a substantial question that the Department must address.***

After the enactment of the IRA in 1934, Indians residing on the federal fee lands, called Rancherias, participated in the IRA election. In *June of 1935*, at the Wilton Rancheria there were 14 individuals eligible to vote and 12 voted yes to accept the IRA. The community organized formally for the first time as the Me-Wuk Indian Community of the Wilton Rancheria of California. Their constitution was approved on *January 15, 1936*. There was no approved charter. In 1958, the remaining 10 assignees on the Rancheria asked by resolution dated October 13, 1955 to be given fee title to their assigned properties in accordance with the Rancheria Termination Act.

Documented in the Report to the 1958 Rancheria Termination Act the Rancheria residents had integrated and were living as part of the greater community. The adults worked in nearby government installations, farms and labored at miscellaneous wage work. Social services for the Rancheria residence were provided by the local county government, this includes law enforcement, fire and emergency services, welfare, etc. The residence children attended public school. There were no federal payments made to local school districts under the Johnson-O’Malley contract for the benefit of Indian children living on the Rancheria. The Bureau of Indian Affairs rendered services *only for the land* not the individual Indians. Federal funds designated for the land appear to have been very limited or simply unavailable, as the Report indicates that local districts and adjoining neighbors joined to build dikes to protect Rancheria residents and other private property owners from flooding of the Consumnes River.

The Tribe has stated that they were removed from the Tillie Hardwick class action litigation in era. It should be noted that no tribes were involved in the Tillie Hardwick class action litigation. Only individuals were named in that class action law suit.

Additionally, any decision to take land into trust at the highway 99 site must analyze the competing claims of tribal membership. For years the battle of membership disputes between the Ione Band and the Wilton Band has been in the public. These types of disputes are disrupting to the greater community and create unstable tribal governments. In the last few years there have been multiple press reports of violence that has spilled out into the community and threatened the lives of casino patrons and employees at tribal facilities due to membership disputes. This has caused the State of California to force closures on two different tribal gaming operations, the Chukchansi and the Paskenta. In recent days there has been discussion and rumor of current members being des-enrolled from the Wilton Tribe. These issues must be resolved.

O8-17
(cont.)

7. AUTHORITY TO GRANT CONCURRENCE FOR A TWO-PART DETERMINATION

Wilton Rancheria Tribal Resolution No. 2013-53 states that the Tribes request for a fee-to-trust transaction adhere to the Indian Gaming Regulatory Act ("IGRA:") 25 U.S.C. Section 2719 (b)(1)(A). This section of IGRA requires the concurrence of the Governor of California. The Secretary of the Interior's determination must reflect the process for a land acquisition specific for gaming and verify completion of the requirements to consult with the state, state agencies, other local political subdivisions and affected tribal governments. However, the nature of the governor's concurrence is very different. The governor of a state has a constitutional obligation to ensure that state laws are enforced and that gambling policy ensures the welfare of the public and the good operation of government free from corruption

Governor Brown is currently faced with two very controversial off-reservation casino projects in which he has concurred. Those projects like this one will create new sovereign authority over land that has been under the authority of the State of California since 1850. Without doubt this creates a significant change in the human environment – including impacts in the areas affecting social well-being, law enforcement and a host of other governmental and state agency services and environmental impacts for the sole purpose of a casino that will undermine our states current gaming policy.

O8-18

As a result of the Governor's prior concurrence legal challenges against the proposed casinos are currently pending in both federal and state court. In the state cases, the question of whether the Governor of California had the authority under California law to concur in the Secretary's two part-determination to take the land into trust has already been through Superior Court and is currently before the Court of Appeals. There is no doubt this case will reach the California Supreme Court. This case will directly affect this proposed fee-to-trust transaction.

Moving this application and DEIS is pointless until there is a determination by the Courts if the Governor of California has the authority to concur in a two-part determination.

8. CALIFORNIA VOTERS STRONGLY OPPOSE THE EXPANSION OF GAMING OFF-RESERVATION

The majority of Californians are opposed to the expansion of gaming off-reservation. On November 4, 2014, 61% of California voters rejected AB 277 (Ch.51, Stat.2013), a bill that ratified two compacts between the State of California and respectively, the North Fork Rancheria of Mono Indians and the Wiyot Tribe. AB 277 would have allowed the North Fork to open a casino on lands that are not part of its reservation and provided the Wiyot tribe a share of the North Fork's profits. The compacts also exempted certain projects associated with the compacts from compliance with the California Environmental Quality Act ("CEQA"). The North Fork proposal is one of two off-reservation gaming proposals that Governor Brown approved in 2012. Both gaming proposals have been challenged in state and federal court. Moreover, the California Legislature refused to ratify the tribal state gaming compact the Governor negotiated with the Enterprise Rancheria of Maidu Indians. There can be no dispute that the California Legislature's refusal to ratify the Enterprise Compact, combined with the outcome in Proposition 48, are an indictment of the Governor's approval of off-reservation gaming.

O8-19

Sacramento County voted "63%" in opposition to the off-reservation gaming proposal in the 2014 referendum (Prop. 48).

The Department should view the outcome of Proposition 48 as confirmation that California voters consider off-reservation gaming expansion as contrary to the public interest and that a majority of Californian's consider the expansion of gaming off-reservation to be detrimental to the host communities. Unless California enacts laws that authorize off-reservation gaming and a clear process to govern such decisions, the Department should cease consideration of any off-reservation proposal in the State of California.

CONCLUSION

This concludes Stand Ups comments at this time but we reserve the right to submit additional comment at a later date.

Sincerely,



Cheryl Schmit, Director
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Stand Up For California!

“Citizens making a difference”

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P. O. Box 355
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February 12, 2016

Amy Dutschke
Pacific Regional Director
Bureau of Indian Affairs
2800 Cottage Way,
Sacramento, CA. 95825

**RE: AMENDMENT: Comment on DEIS of Proposed Wilton Rancheria (“Tribe”)
Fee-to-trust and Casino Project, Sacramento, CA.**

Dear Regional Director Dutschke,

Stand Up For California (“Stand Up”) sent its letter of comment on the proposed Wilton Rancheria gaming transaction to the Bureau of Indian Affairs (“BIA”) on February 9, 2016. This letter is to correct a statement in that letter.

Under the paragraph labeled “1.” Stand Up’s first sentence states that “the DEIS is silent on the applicable section of the Indian Gaming Regulatory Act (“IGRA”) that applies to the fee-to-trust transaction.” The DEIS is not silent. The DEIS addresses this in Section 1.0 at the bottom of page 1-1.2. *The DEIS and the Tribal Resolution identify the proposed fee-to-trust transaction in a contradictory fashion which creates the need for clarification by the Pacific Regional Office of the BIA.*

O9-01

Contrary to the tribal resolution No. 2013-53, the DEIS relies on the restored lands or initial reservation exception in 2719 and states the following: (See – Section 1.0, bottom of page 1-1-1.2)

“Here, the relevant exceptions are the “initial reservation” exception and the “restored lands” exception that allows gaming on land acquired in trust after 1988 if the lands are taken in trust as part of “the initial reservation of an Indian tribe acknowledged by the Secretary under the federal acknowledgment process” or “the restoration of lands for an Indian tribe that is restored to Federal recognition....””

O9-02

The DEIS acquiesces to the Stipulated Judgment. The Stipulated Judgment makes clear that there is **no compulsory restored lands designation for lands that are not contiguous to the historic Rancheria.**¹ Only the Rancheria and its contiguous lands may be considered restored lands. Moreover, the DEIS then fails to state that ***IF*** a restored lands exception is used that there must be a determination by the National Indian Gaming Commission and/or the Solicitor of the Department of the Interior. However, unlike other determinations of restored lands for landless tribes, the Wilton Rancheria lands, the historic lands, are still available to this Tribe.

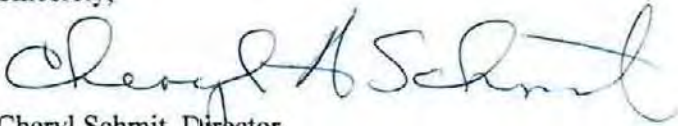
¹ Paragraph 10 on Page 5 of the Stipulation and Order for Entry of Judgment Case No. C-07-02681(JI)(PVT)

Further, the Stipulated Judgment makes clear that an "initial reservation" only applies to an Indian Tribe that is acknowledged by the Secretary under the federal acknowledgment process. **Wilton was not recognized under the Part 83 regulatory process thus an initial reservation exception cannot and does not apply to this Tribe.**

O9-02
(cont.)

Our organizations comment still stands that the project description is flawed.

Sincerely,



Cheryl Schmit, Director
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ATTACHMENT Letter to Maria Wiseman

Stand Up For California!

“Citizens making a difference”

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February 12, 2016

Ms. Maria Wiseman
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RE: Wilton Rancheria – DEIS Hearing January 29, 2016

Dear Ms. Wiseman,

Stand Up For California! (“Stand Up”)¹ writes today regarding the recently published DEIS of the Wilton Rancheria by the Pacific Regional Office of the Bureau of Indian Affairs, (“BIA”) for the proposed Wilton Rancheria Casino on Highway 99 near the City of Galt. Prior to the DEIS hearing, Stand Up contacted the Regional Office of the BIA to inquire if the Wilton’s casino project is considered a two-part determination. Mr. John Rydzik advised me that I should check with Arvada Wolfin, the Realty Specialist. In a telephone conversation with Arvada Wolfin she verified the section of the Indian Gaming Regulatory Act that the Wilton Rancheria Tribe had cited on its Tribal Resolution giving notice of its intent to begin a NEPA review. ***However, the DEIS prepared by the environmental firm AES and published by the BIA lacks clarity on the federal process for the trust transaction.***²

O10-01

This is the second time within six months that Stand Up has written to you regarding BIA/AES and a flawed description of a proposed tribal casino project.³ The Wilton Rancheria Tribal Resolution No. 2013-53 states that the Tribes request for a fee-to-trust transaction will adhere to IGRA 25 U.S.C. Section 2719 (b)(1)(A). This section of IGRA requires the concurrence of the Governor of California. Since the Tribe has identified this fee-to-trust transaction as a two-part determination, the City of Galt and Elk Grove and the County of Sacramento and other state agencies or local districts have a substantial role in the federal process as well as state legal obligations to adhere to the California Environmental Quality Act (“CEQA”).

O10-02

¹ *Stand Up For California!* is a not for profit public corporation that addresses gaming issues in the State of California. We are recognized and act as a resource of information to local, state and federal law makers. Tribal gaming presents unique issues of land use and tribal recognition.

² Stand Up’s comment letter of Jan. 9, 2016 stated that the DEIS is silent on the applicable section of the Indian Gaming Regulatory Act. A letter amending that statement will be sent to the Pacific Regional Office of the BIA reflecting the information in this letter.

³ Letter Dated September 22, 2015 regarding the Tejon Tribe’s September 2, 2015 Scoping Hearing. We expressed concern that AES described the federal fee-to-trust process and the exception for after-acquired lands inaccurately misleading the public regarding the scope of participatory rights and the decisions that must be made.

In contradiction to the tribal resolution No. 2013-53, the DEIS relies on the restored lands or initial reservation exception in 2719 and states the following: (See – Section 1.0, bottom of page 1-1-1.2)

"Here, the relevant exceptions are the "initial reservation" exception and the "restored lands" exception that allows gaming on land acquired in trust after 1988 if the lands are taken in trust as part of "the initial reservation of an Indian tribe acknowledged by the Secretary under the federal acknowledgment process" or "the restoration of lands for an Indian tribe that is restored to Federal recognition...."

The DEIS then acquiesces to the Stipulated Judgment. The Stipulated Judgment makes clear that there is **no compulsory restored lands designation for lands that are not contiguous to the historic Rancheria.**⁴ Only the Rancheria and its contiguous lands may be considered restored lands. Moreover, the DEIS then fails to state that ***IF*** a restored lands exception is used that there must be a determination by the National Indian Gaming Commission and/or the Solicitor of the Department of the Interior. However, unlike other determinations of restored lands for landless tribes, the Wilton Rancheria lands, the historic lands, are still available to this Tribe.

Further, the Stipulated Judgment makes clear that an "initial reservation" only applies to an Indian Tribe that is acknowledged by the Secretary under the federal acknowledgment process. **Wilton was not recognized under the Part 83 regulatory process thus an initial reservation exception cannot and does not apply to this Tribe.**

This Section of the DEIS gives a perception that it has been deliberately crafted to mislead and misinform the public. ***The Department must provide the public with accurate information; failing to do so is inconsistent with the National Environmental Policy Act ("NEPA") and the Administrative Procedure Act.***

Please verify for Stand Up the correct exception that applies to this fee-to-trust transaction. This is an issue of great public import. I look forward to hearing from you soon.

Sincerely,



Cheryl A. Schmit, Director
Stand Up For California
916 663 3207
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www.standupca.org

CC: U. S. Senator Dianne Feinstein
Joe Dhillon, Sr. Advisor to the Governor of California

⁴ Paragraph 10 on Page 5 of the Stipulation and Order for Entry of Judgment Case No. C-07-02681(JI)(PVT)

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LAW THE STATE BAR OF CALIFORNIA
BOARD OF LEGAL SPECIALISTS

February 12, 2016

Ms. Amy Dutschke
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Re: DEIS Comments, Wilton Rancheria Fee-to-Trust and Casino Project

Dear Ms. Dutschke:

This letter is from Jarhett Blonien of Blonien & Associates and Alan Titus of Robb & Ross. We write on behalf of 11 California cardrooms, including cardrooms in the Sacramento, Lodi and Stockton area to provide comments on the Draft Environmental Impact Statement with respect to the Wilton Rancheria's application to transfer 282 acres of land in Galt to the federal government to hold in trust for the Rancheria and to develop a casino and hotel on the site. We have two main concerns.

I. The DEIS Erroneously Assumes That Transfer of Title to the Federal Government Results in Divestment of State Territorial Jurisdiction

The DEIS states that it was prepared "to address the environmental effects of taking 282 acres of land into Federal trust for the Tribe to conduct gaming." (DEIS p. 1-2.) The action proposed is only to accept title to the site in trust for the Wilton Rancheria. Normally, a change in *title* to land would not lead to negative impacts on the environment. People transfer title to land every day.

However, the DEIS is premised on a belief that once title to land is transferred to the federal government in trust for the Wilton Indians, the state will somehow lose territorial jurisdiction over the site, specifically over regulation of land use and gambling, and that the tribe will be able to construct and operate a Nevada-style gambling casino on the site. Those assumptions are not correct.

The site consists of seven parcels. All seven are currently privately owned, and all seven are currently under state jurisdiction and governed by California law.

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The draft EIS makes a number of statements to the effect that once the land is transferred to the federal government in trust, it no longer will be subject to state law. Thus, in section 4.0 on Environmental Consequences, section 4.9 on Land Use reads:

County and/or City land use regulations would not apply to the Twin Cities site once the land is taken into trust. The only applicable land use regulations would be federal and Tribal, as the Twin Cities site would be converted to reservation land.

DEIS 4.9-1. (Similar statements as to the alternative sites can be found on pages 4.9-11; 4.9-12; 4.9-13; and 4.9-15.)

No law is cited in support of these claims, and the fact is that is not the law and has never been the law.

A state has jurisdiction over all lands within its borders except those lands over which the federal government reserved jurisdiction when it admitted the state into the Union and those lands over which the state has since ceded its jurisdiction back to the federal government. See *Fort Leavenworth Railway Co. v. Lowe*, 114 U.S. 525 (1885).

When the federal government acquires lands within a state, all it acquires is title to the land, not sovereignty over the land. As a recent government issued summary of the law states, "Acquisition of land and acquisition of federal jurisdiction over that land are two different things." GAO, Office of the General Counsel, Principles of Federal Appropriations Law, 3rd Ed. 2008, Vol. III, p. 13-101. The federal government has no power to divest a state of territorial jurisdiction. *Fort Leavenworth* expressly negates the claim that the federal government can strip states of jurisdiction, calling such an act of "disseisin." *Id.* at 538.

Thus, there are three ways by which the Federal government can obtain jurisdiction over a site within a state's borders. The first is to reserve jurisdiction when the state is created and when the federal government admits the state into the Union. Second, if the federal government subsequently acquires lands in the state, the federal government can obtain state consent under the Enclaves Clause of the U.S. Constitution to the creation of a federal "enclave" on which the Federal government would have exclusive jurisdiction. Third, anytime after that, the federal

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government can secure formal cession of jurisdiction from the state. *Fort Leavenworth; Williams v. Arlington Hotel Co.*, 22 F.2d 669 (8th Cir. 1927); see *Report of the Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States* (1957). All three methods require state consent.

This law applies to Indian lands as well as to non-Indian lands. See, for example, *Silas Mason Co. v. Tax Comm.*, 302 U.S. 186 (1937); and *Surplus Trading Co. v. Cook*, 281 U.S. 647 (1930). Also see and compare *Organized Village of Kake v. Egan*, 369 U.S. 60 (1962) with *Metlakatla Indian Community v. Egan*, 369 U.S. 45 (1962). In *Organized Village of Kake*, the Court held that Alaska could enforce state anti-fish-trap law on the Indian reservation because the federal government did not reserve jurisdiction on the state's admission. In contrast, in *Metlakatla*, the court held that Alaska lacked jurisdiction to enforce the same state anti-fish-trap laws on that Indian reservation because the federal government did reserve jurisdiction at the time of the state's admission. As in *Metlakatla Indian Community*, most Indian reservations were established before admission of the state in which they sit, and thus fit the first exception as lands over which the federal government reserved jurisdiction upon admission of the state into the Union.

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Under these well-established laws, lands newly acquired by a tribe after a state is formed have a very different status than do historical Indian lands. When a tribe acquires title to land that has been under state jurisdiction, unless the state cedes its jurisdiction to the tribe, the tribe takes title subject to the pre-existing sovereignty of the state. Similarly, when the Federal government accepts title in trust for an Indian tribe, the federal government takes title subject to the state's sovereignty.

Congress has the power to authorize the Secretary to accept lands into trust for tribes. However, that action does not divest the state of its existing jurisdiction over the lands.

The State of California has not ceded its jurisdiction over the subject 282 acres. Therefore, if title to the land is transferred to the Federal government in trust for the Wilton Rancheria, all that will change is title to the land. The land will remain subject to California law; it will remain subject to state and local land use laws and will remain subject to California prohibitions against gambling. The assumptions in the DEIS are incorrect.

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II. The DEIS Fails to Evaluate Economic Effects on Cardrooms

Although, as we argue above, the Federal government's acceptance of title to the land will not remove the land from state jurisdiction and from governance by state and local law, assuming that were not the case, the DEIS has a further major defect in that it does not consider economic effects of the trust acquisition on existing state licensed cardrooms.

Section 4.7 of the DEIS considers socioeconomic effects of taking the land into trust, and contains two pages analyzing the Substitution Effects on existing tribal casinos. The analysis estimates the substitution effects on 13 tribal casinos covering a wide area from Richmond to Fresno and from Madera to Oroville. This analysis is based on an independent study by Global Market Advisors entitled "Economic Background and Competitive Effects Study for Wilton Rancheria" and included in the Appendix to the DEIS as Appendix U.

There is no explanation why the study of competitive effects was limited to tribal casinos and did not include licensed cardrooms. There are a number of state licensed cardrooms within the same area. These include cardrooms in the Sacramento area and in the Stockton/Lodi area, as well as cardrooms in the Bay Area and the Fresno area.

It is clear that tribal casinos and cardrooms have a competitive relationship. In addition to operating slot machines, tribal casinos offer card games. The proposal by Wilton Rancheria is to operate 80 table games.¹ This is more tables than any single cardroom in Northern California and would create much new (and potentially excess) capacity in the area, and have potentially huge impacts on existing cardrooms.

¹ We note that neither the number of slot machines nor the number of tables is specified in the DEIS. This is a defect in itself. The level of environmental impact is highly dependent on patronage levels, which in turn are dependent on the number of gaming machines and gaming tables. Although the DEIS provides meaningless numbers like the numbers of tables in the buffet, it fails to provide the meaningful numbers like the number of gaming machines and tables. That said, Appendix U indicates in one place that there will be 80 tables (page 1), and in another place that there will be 92 tables (pages 2 and 31).

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The games offered in Indian casinos are somewhat different from those offered in cardrooms, but customers consider them interchangeable and play in both types of houses. Indian tribes can offer banked games and cardrooms cannot. This means that in an Indian casino, a blackjack type game can be banked by the house. But in cardrooms, the same type of game is played with players acting in a similar capacity to a banker. These players are called player-dealers, and they play against all the other players at the table.

As witness to the competitive relationship between cardrooms and tribes, the United Auburn Tribe is currently financing a lawsuit against a Sacramento cardroom challenging the legality of these card games under California law. The case, *Whitehouse v. Sacramento Casino Royale LLC* (Sacramento Superior Court, Case No. 34-2014-00161427) was filed April 4, 2014, and is getting ready to go to trial. It is hard fought litigation, with each side represented by top-tier law firms. If the plaintiffs were successful, the case would affect not just the one cardroom defendant, but all cardrooms in the state. The California Gaming Association filed an Amicus Brief that revealed that the United Auburn Tribe, which operates Thunder Valley Casino, is behind the lawsuit. This case, therefore, speaks volumes about the competition between cardrooms and tribal casinos. The fact is that competition is so intense, that the tribe has surreptitiously sponsored a lawsuit to challenge current state approved games.

Given this competitive relationship between cardrooms and tribes, the failure of the DEIS to consider the effects of the proposed tribal casino on cardrooms is a significant defect. The competitive effects on cardrooms should be studied carefully and a supplement to the DEIS should be issued and made available for review and comment.

We appreciate your consideration of these comments.

Very truly yours,


Alan Titus


Jarhett Blonien

O11-02
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February 29, 2016

John Rydzik
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Sacramento, CA 95825

Sent via email to john.rydzik@bia.gov

Dear Bureau:

These are the comments from the undersigned organizations regarding the DRAFT ENVIRONMENTAL IMPACT STATEMENT / TRIBAL PROJECT ENVIRONMENTAL DOCUMENT WILTON RANCHERIA FEE-TO-TRUST AND CASINO PROJECT, dated December 2015.

Land Use

The memorandum of understanding among the Tribe, the County and the City of Galt states, "Use of Tribal Lands shall be deemed to conform to, and be compatible with, General Plan designations if the category of the proposed use is the least intensive that is authorized or allowed under the least intensive use permitted by the General Plan designations for land use that are effective either at the time the Tribe submits its fee-to-trust application or at the time a change or intensification of use is proposed for Tribal Lands." This is a very confusing statement and would indicate that almost any land use would be considered consistent with the general plans of the jurisdictions. Clarification regarding consistency with general plans is necessary to adequately review this document. For the purposes of these comments, we infer that the project is regarded as inconsistent with the General Plan, hence the Tribal Project Environmental Document that is the subject of this review.

The Draft Environmental Impact Statement / Tribal Project Environmental Document (DEIS/TPED) analyzes only a select number of Sacramento County General Plan policies. We believe that Alternatives A through E are inconsistent with many County General Plan policies. These policies are too numerous to delineate here and are nevertheless the responsibility of the document preparers. While the Twin Cities site lies within the Sphere of Influence of the City of Galt, it has not been annexed to the City and may not be approved for annexation in the near or distant future. Therefore, the County of Sacramento General Plan policies should prevail. The document has therefore inadequately addressed consistency with the Sacramento County General Plan.

In addition to being inconsistent with the County's General Plan, alternatives A through E are also inconsistent with the Regional Metropolitan Transportation Plan Sustainable Communities Strategy. The intensity of the proposed use would make it impossible to meet greenhouse gas reduction goals outlined in the Sustainable Communities Strategy, and it would probably give rise to conformity issues with the Federal Clean Air Act. This became an issue with the Red Hawk Casino interchange and would likely reoccur here with the major interchange improvements necessary at the Twin Cities site. We would assume that a California Environmental Quality Act document would be forthcoming for the interchange improvements.

O12-01

O12-02

Several alternatives utilize onsite disposal of wastewater, a situation that could easily be unacceptable to neighbors and residents of the County as a whole. These effects have not been adequately analyzed.

O12-03

Agricultural Preservation

The Twin Cities site, as well as the Historic Rancheria site, is situated on valuable agricultural land. Much of Sacramento County's agricultural land has already been developed. Developing additional agricultural land when less impactful alternatives are available has not been adequately analyzed. While these lands may not be prime agricultural lands, they are important to the agricultural economy of the County of Sacramento.

O12-04

Section 2.10.2 compares the environmental and economic consequences of the alternatives. This comparison downplays the environmental consequences while elevating the economic consequences and appears to be a very biased analysis. This does not appear to serve the interest of the Tribe or the residents of Sacramento County.

Growth-inducing Effects

Section 4.14.3 is included to supposedly address growth inducing effects, but again does so in a very biased manner. It indicates that no significant growth inducing impacts would result from any of the alternatives. How can one reach this conclusion when both the Twin Cities site and the Historic Rancheria site are agricultural lands surrounded by agricultural lands? If the casino were to be built on either of these sites it would generate additional commercial uses and should induce nearby housing to serve employees of the casino, and thus avoid additional trips and associated pollutants.

O12-05

This document's analysis of off-site impacts is totally deficient and it must be concluded that the document is inadequate in its analysis and the mitigation proposed.

Air Quality

The proposed casino project will bring more motor vehicles to the area, thus emitting more pollutants that contribute toward greenhouse gases. Suggested mitigation could include a plethora of free electric vehicle (EV) charging stations (preferably powered by solar panels or wind) at the casino and environmentally-friendly public transit (preferably EV), both provided and/or subsidized by the casino.

The air quality does not seem to be significantly affected by various site alternatives, but the closer to the highway (i.e., Alternative F) the less vehicle miles traveled (VMT) and greenhouse gases (GHG), both from Bay Area and Sacramento. If the casino and hotel were Leadership in Energy and Environmental Design (LEED)-certified buildings, that would be even better mitigation toward improving air quality.

O12-06

As pointed out in this section of the DEIS, man-made contribution to the negative effects of climate change in the atmosphere are increased by both the construction of such a facility and by fossil-fuel powered motor vehicles coming to and from it, so any significant mitigation to ameliorate resultant poor air quality will help toward AB-32 and SB-375 goals as established by the California Air Resources Board (CARB).

Transportation/Circulation

Environmentally-friendly public transit (preferably EV), both from the Bay Area and/or South, as well as from Sacramento and the North, free to casino patrons, should be provided or subsidized by the casino. This has the benefit of not only reducing GHG and other substances from fossil fuel-powered vehicles,

O12-07

but also can result in fewer intoxicated driver from the casino, which serves alcoholic beverages, both enhancing public health.

The closer to the highway the project is built (alternative F), the less VMT and GHG, both from Bay Area and Sacramento. In the Level of Service (LOS) portions of this section, it looks like the Elk Grove site (alternative F) will exceed current LOS. Again, this can be mitigated to some extent by provision and use of environmentally-friendly, free public transit to and from the casino on Highway 99 in both directions.

Existent public transit services to the Galt and Twin Cities sites do not run on weekends, and are powered by fossil fuels, so again the Elk Grove site (alternative F) is preferable from a transportation/circulation standpoint. To the extent the existing e-trans in Elk Grove can be utilized, they do have vehicles powered by alternative (to fossil) fuel sources, and these vehicles should be subsidized by the project proponents as a mitigation measure.

The infrastructure to permit many gamblers to bicycle to and from the casino is not likely to exist in the near future, so even though some of the roads near alternative F have bike lanes, these or more of these will not be as useful to mitigation of transportation concerns as the free public transit powered by non-fossil fuels and free EV charging stations for patrons and staff to use.

There was nothing in this section of the DEIS regarding the man-made contribution to the negative effects of climate change increased by both the construction of such a facility and by fossil-fuel powered motor vehicles coming to and from it, so any significant mitigation to ameliorate those negative effects on climate change such as those suggested in this comment will help toward AB32 and SB375 CARB goals.

Biological Resources

General Comments for Alternatives A thru F

Impacts to several state listed species were included in this DEIS which we feel is appropriate since it may be some time before an FEIR is prepared, and this document will be used by the tribe and the BIA in determining the most appropriate alternative for siting the casino. But, whereas we feel that inclusion of state listed species was appropriate and prudent, we are concerned about the process of determining which state species should be included, and then overly relying on the California Natural Diversity Data Base (CNDDDB) for occurrence data.

The inclusion of the four state species that are not also federally listed, e.g., the giant garter snake and the tiger salamander, was apparently a result "based on consultation with cooperating agencies (County and Cities)." No satisfactory further explication was provided as to why the tricolored blackbird, the greater Sandhill crane, the bank swallow, and the Swainson's hawk were the only species analyzed to the exclusion of other special status species that are likely to be found in many of the alternative sites. We are concerned that tribal representatives, the public, and the BIA may be misled into thinking that the four analyzed state species comprise the sum total of California special status species that will likely be impacted by the proposed project. We feel that the "California Species of Special Concern" that have potential to occur deserve mention and analysis, such as: burrowing owl, short eared owl, loggerhead shrike, northern harrier, lesser Sandhill crane, and possibly yellow warbler and yellow headed blackbird, to name a few. As well, discussion and analysis should be included for "California Fully Protected Species" beyond the greater Sandhill crane, like the white tailed kite and the peregrine falcon, that are likely to occur at some of the alternative sites.

We are also concerned about overly relying on the CNDDDB for occurrence data. It is well known to environmental professionals that the CNDDDB records are poorly maintained, out of date, not complete,

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O12-08

O12-09

and often understate species actual presence and recent nesting behavior. CNDDDB is not intended to provide definitive data for purposes of CEQA review of a project and therefore would not be definitive for inclusion in a NEPA document either. The CNDDDB webpage by the California Department of Fish and Wildlife (CDFW) says: "...we cannot and do not portray the CNDDDB as an exhaustive and comprehensive inventory of all rare species and natural communities statewide. Field verification for the presence or absence of sensitive species will always be an important obligation of our customers." (http://www.dfg.ca.gov/biogeodata/cnddb/cnddb_info.asp)

O12-09
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Consulting the CNDDDB is only the first step of a biological assessment, indicating where likely rare plants and animals may be found. It is highly substandard for an environmental document to ignore more thorough studies of an area, as here, in favor of CNDDDB for the reasons stated by CDFW. A thorough literature search would have been instructive as well as review of eBird occurrence data, Xmas count data, and other information. It is also notable that no winter field surveys were conducted, and so no winter migrants were encountered.

Comments Regarding Alternatives A thru C

No consideration was given to cyclical stochastic events

It is important when considering this site to understand its geologic relationship to the Cosumnes River Preserve. The Cosumnes River Preserve is a globally significant conservation area that benefits a myriad of local species, many of which are in decline or already listed as species of concern, or threatened or endangered. The Cosumnes River is the last remaining free flowing river out of the west side of the Sierra Nevada Mountains and its floodplain is active with significant cyclical stochastic inundation events. The last one was in 2004-2005 and significant portions of the lower Preserve flooded. This flooding is ecologically very healthy with new nutrients and sediments being deposited and huge areas opened up for spawning fish and fish nurseries. This cyclical inundation may begin to pose some very significant problems, though, if the upland forage areas that terrestrial species, displaced by the inundation, utilize are urbanized. Urban development projects favor geographies that are well out of the floodplains for obvious reasons. But, as urban development crawls further southward towards the Cosumnes River, it begins to dramatically constrict the available upland forage for terrestrial species temporarily displaced by the cyclical inundations. This is placing an increasing premium on conserving upland foraging habitats that are proximal to the Cosumnes River Preserve. The proposed site analyzed in alternatives A thru C is a potential upland foraging site based on elevation and proximity.

O12-10

No consideration was given to the stochastic inundations of the lower Cosumnes River and the resultant temporary shift in foraging by the terrestrial species found in the lower Cosumnes, nor was any analysis presented about the impact of losing an increasingly rare upland foraging possibility for listed species that are temporarily displaced by those stochastic events. The omission of many other special status state species in this document takes on an increased significance when considered in the context of the stochastic inundations. Many of those species will be temporarily displaced as well and will need proximal upland forage lands to survive. Any consideration of species occurrence on the proposed project site is incomplete without factoring in the potentially dramatic increased usage during cyclical flooding. And, this means the cumulative impacts analysis is also incomplete because it does not consider the loss of this habitat in the context of ongoing loss of upland foraging habitat in proximity to the Cosumnes River Preserve.

And further, when contemplating sea level rise as a result of climate change, potential upland forage areas, such as this project site, take on permanent significance as the terrestrial species permanently displaced in the north Delta must seek higher ground for their survival. The loss of this upland forage area should have been analyzed when considering cumulative effects in the context of sea level rise. We

O12-11

feel that even with the mitigation proposed, the impact would be potentially significant for cranes if this habitat was developed, largely due to the dearth of available upland forage lands in proximity to the lower Cosumnes floodplain.

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Unclear methodology was used to exclude state species from analysis

In the "Analysis" section found on 3.5-4, it states: "An analysis to determine which of these special-status species have the potential to occur within the Twin Cities site was conducted. The habitat requirements for each regionally occurring special-status species were assessed and compared to the type and quality of habitats observed onsite during the biological surveys. Several regionally occurring special-status species were eliminated due to lack of suitable habitat, elevation range, lack of suitable substrate/soils, and/or geographic distribution. Species determined to have no potential to occur on-site are not discussed further."

O12-12

The fact that the "California Species of Special Concern" that have the potential to occur (such as the burrowing owl, short eared owl, loggerhead shrike, northern harrier, lesser Sandhill crane, and possibly yellow warbler and yellow headed blackbird), as well as "California Fully Protected Species" (such as the white tailed kite and the peregrine falcon), were not included is a significant omission, especially considering that at least two of them were observed in the field survey (the white tailed kite and the northern harrier).

Inaccurate methodology was used to conclude value of site for greater Sandhill cranes

It is stated on 3.5.19 that: "There are no records of greater Sandhill crane sightings within five miles of the Twin Cities site, however this species has the potential to forage in the agricultural fields and grasslands on the site. Year round agricultural activities, heavy traffic noise, and lack of inundated crop lands, however, significantly reduce the chance that cranes would utilize this site for wintering habitat."

First, that relying solely on the CNDDDB for the occurrence data is misguided as has already been stated above. The important usage time would be during the cyclical flooding as already stated. We are confused by the assertion that "year round agricultural activities, traffic noise, and lack of inundated crop lands ... significantly reduces the chance that cranes would utilize this site for wintering habitat." Sandhill cranes utilize alfalfa fields for wintering habitat, with lesser Sandhill cranes showing a much greater preference for this crop type than greater Sandhill cranes. Clearly the needed agricultural activities required to maintain this crop have not dissuaded the cranes from utilizing it elsewhere.

We contacted Dr. Gary Ivey, who has been doing Sandhill crane research in the north Delta for years, and asked for his most recent flock site mapping. He provided flock site data on a Google earth map from a flock site survey he conducted in the 2012 -2013 crane seasons (A zoomed-in site specific jpeg is attached as Exhibit 1. Twin Cities site (Ivey, unpublished map and data). As can be clearly seen from the exhibit, crane flocks were seen using 5 sites within the proposed Twin Cities proposed site, (not all flocks were delineated to subspecies, but among the ones that were, greater Sandhill cranes were recorded.). Exhibit 2 (Crane flock sites near Twin Cities site) shows another 12 sites were within 2 miles, and more still within 3 miles. At the time of the survey, the proposed site was planted in wheat, which may have influenced the amount of use by greater Sandhill cranes compared to what might have been seen with alfalfa. But, clearly, this is a geography favored by greater Sandhill cranes.

O12-13

As for the traffic noise, if one were to drive down the road in the center of Staten Island, cranes close to that road would flush as approached in the vehicle. This is an infrequently trafficked road in the winter, as opposed to say Highway 5 or Thornton road, which get much heavier usage. It is common to see cranes foraging and even roosting in Stone Lakes National Wildlife from Highway 5 when driving by.

Similarly the cranes that roost across the road from the Cosumnes River Preserve visitor center when the water is flooded to the right depth (basically when they are not flooding it deeper than is comfortable for cranes for purposes of a methylated mercury study as they have done for the last few years) are relatively close to Highway 5 as well. And further, the cranes that roost at the Isenberg Crane Preserve are very close to Woodbridge Road and have cars parking even closer to watch them. And clearly, since the site has documented use by greater Sandhill cranes, it is unnecessary to speculate about whether or not they would be likely to use it.

And finally, inundated cropland is used at times as a roost site as well as an excellent forage site to catch fossorial animals flushed out by the water, but it is not necessarily a required element for good foraging habitat and as has already been discussed, Sandhill cranes are documented to use alfalfa fields for forage and they will also use grassland – the two main described habitats on the proposed project site. If a different crop like wheat or corn were grown instead of alfalfa, it can be expected that usage would go up.

None of the three reasons given are accurately presented as resulting in a condition that “significantly reduces the chance that cranes would utilize this site for wintering habitat.” Quite the contrary, it is documented as utilized for foraging. And, coupled with the stochastic flooding already discussed, the proposed site is well suited for temporary foraging for displaced greater Sandhill cranes. And, in terms of the impact of sea level rise in the north Delta, it is also a potential long term forage site in the future for greater Sandhill cranes, particularly if it were managed for cranes.

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Inaccurate methodology was used to conclude value of the site for Swainson’s hawk

There is quite complete nesting and foraging occurrence data for Swainson’s hawk in the literature. None of this was apparently utilized in deference to the notoriously incomplete occurrence data in the CNDDDB. A full literature search would have indicated that the proposed site contains not only the most preferred cover type for Swainson’s hawk (alfalfa), but also that foraging habitat is the limiting factor for Swainson’s hawk distribution in the north Delta, not nesting sites. It is not an accident that Galt is maintaining a Swainson’s hawk preserve immediately adjacent to the proposed site. A far more robust examination and analysis of the Swainson’s hawk are needed to accurately determine the full extent of the impact.

O12-14

Inaccurate methodology was used to conclude value of site for tricolored blackbirds

It is stated in 3.5-18 that: “There are 21 CNDDDB records for tricolored blackbirds (TRBL) within five miles of the Twin Cities site. The nearest dated record is from 1992 and is mapped immediately adjacent to the western edge of the Twin Cities site. TRBL have the potential to occur within the 1.79-acre pond and Drainages 1, 2, and 3. However, Drainage 2 represents marginal habitat; as such, TRBL is unlikely to occur within this feature.” The problems of the CNDDDB apply here. It should be noted that the CNDDDB favors bird nest sites over just occurrences. It is clear that this DEIS is also only considering nesting in the quote. TRBL have the potential to nest in the pond and drainage 1, 2, and 3, but they have the potential to occur throughout the vast majority of the rest of the site as well.

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The following is an excerpt from the Tricolored Blackbird Working Group (2007. Conservation Plan for the Tricolored Blackbird (*Agelaius tricolor*). Susan Kester (ed.). Sustainable Conservation. San Francisco, CA):

“Ideal foraging conditions for tricolors are created when shallow flood-irrigation, mowing, or grazing keeps the vegetation at an optimal height (<15 cm). With the loss of a natural flooding cycle and most native wetland and upland habitats in the Central Valley, breeding tricolors now forage primarily in managed habitats. Preferred foraging

habitats include agricultural crops such as rice, alfalfa, irrigated pastures, and ripening or cut grain fields (e.g., oats wheat, silage, and rice), as well as annual grasslands, cattle feedlots, and dairies. Tricolors also forage in remnant native habitats, including wet and dry vernal pools and other seasonal wetlands, riparian scrub habitats, and open marsh borders.

Most breeding tricolors forage within 5-6 km of their colony sites, although on rare occasions they have been observed foraging up to 13 km from their colony sites (Orians 1961; Beedy and Hamilton 1997). Proximity to suitable foraging habitat appears to be extremely important for the establishment of colony sites. Tricolors usually forage, at least initially, in the field containing the colony site (Cook 1996), however, often only a minor fraction of the area within the commuting range of a colony provides suitable foraging habitat (Beedy and Hamilton 1999, Hamilton and Meese 2006)."

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As stated in the excerpt, alfalfa and grasslands are preferred habitats. And, given that the CNDDDB occurrence data from 1992, which is very likely nesting data, is immediately adjacent to the western edge of the proposed site, and given that there is suitable nesting habitat onsite, this clearly fits the definition of a site that is almost in its entirety suitable for tricolored blackbirds.

Lighting impact analysis was incomplete

The sum total of analysis devoted to lighting is included in 4.5-4: "Increased lighting could increase collisions of birds with structures, and can also cause a disorientation effect on avian species. Thus, nighttime lighting from the operation of the Alternative A could have a potentially significant impact on both migrating and local bird populations. Mitigation measures to reduce potentially significant nighttime lighting impacts are identified in Section 5.5."

No mention, consideration, or analysis is given for the fact that lighting has the potential to lure insects away from the surrounding habitats into the proposed project thereby: reducing prey availability for a host of local species (including tricolored blackbird, American Kestrel, white tailed kite, etc.), potentially disrupting breeding cycles for insects (including valley elderberry longhorn beetle) causing further impacts to prey availability, increasing risk to bats (including some already at risk). The potentially large amount of light generated from facilities of the size and scope considered could potentially decrease the usability of surrounding habitats due to the light pollution (for animals like owls and nocturnal predators), and negatively impact aquatic species in the wetland features.

O12-16

Given the sheer magnitude of this project, the light-related issues cannot be fully mitigated either by using exterior lights that shine downward or requiring lights in rooms with windows to be turned off from midnight to 6AM. During the winter, by midnight it has been dark for 6 hours already, and a huge building with potentially hundreds of rooms with their lights on is definitely going to impact surrounding wildlife, potentially as far away as the Swainson's hawk conservation area managed by Galt, as well as the Wildlands Mitigation Bank. The treatment of lighting impacts on biological resources in this DEIS was incomplete and inadequate, as were the suggested mitigations.

Comments Regarding Alternative D and E

Though the historic Wilton Rancheria would at first blush appear to be a very different type of proposed project site, in actuality the comments presented for alternative A thru C are relevant here as well. See attached exhibit 3 (Crane flock sites near the historic Wilton Rancheria) for Sandhill crane (including greater Sandhill crane) flock sites within 3 miles of the proposed site. This location would also be suitable for greater sandhill cranes, as well as many other species, foraging during cyclical inundation of

O12-17

the Lower Cosumnes, and for future permanent foraging as the effects of sea level rise decrease usable habitat in the north Delta. The comments for Swainson's hawks apply here, as well as the issue of not including analysis of other species of concern likely to be using this location. The lighting comments apply as well, with the addition that at this site lighting may affect anadromous fish.

O12-17
(cont.)

Groundwater

The authors claim the basin is not in overdraft (p3.3-7 and Appendix K). This is false. It is in overdraft because the ongoing removal of groundwater from the basin is causing the Cosumnes River to remain in a state of disconnection from the underlying groundwater, impairing river flows during periods critical to anadromous fish and posing a severe threat to the ecological values of the river corridor and riparian zone. Recent state legislation (the Sustainable Groundwater Management Act) requires the City of Galt, Sacramento County, and local irrigation districts to develop and implement a plan by 2020 for addressing this overdraft condition and removing the threat to ecological resources. (The severity of the overdraft condition in the basin is indicated by the difference in subsurface groundwater elevation between the two "State wells" referenced on page 7 of Appendix K; the 15+ foot slope from north to south is indicative of movement of groundwater from areas of recharge into the cone of depression.)

O12-18

The authors should describe the obligations of the City of Galt, Sacramento County, and Galt Irrigation District for compliance with the Sustainable Groundwater Management Act (SGMA) and the potential impacts of approval of this project on the costs of compliance.

The authors claim that the Twin Cities property when developed as a Casino and business park will use less groundwater than currently used by the agricultural operation. However, that property has been only intermittently farmed and in some years is farmed in winter (unirrigated) crops. Authors should provide a detailed history of cropping and estimated irrigation use on the property.

O12-19

Moving groundwater use on the property from agriculture to urban uses will eliminate future flexibility in addressing the groundwater overdraft conditions in the basin. This is a significant impact, reducing future management opportunities.

O12-20

Conclusion

The document should be regarded as incomplete for the reasons stated. Because of the various shortcomings of Alternatives A-E, many of which have either insufficient mitigation proposed or cannot be mitigated, and many others of which have not been fully analyzed, we cannot reach a final conclusion at this time. However, we believe that, given our comments above, Alternative F is by far the most promising and environmentally friendly. The infrastructure to support a casino and associated facilities is either already in place or could be installed with fewer new environmental consequences than for any other Alternative. To minimize the degradation of air quality and the emission of greenhouse gases, it is important to reduce employee driving and to and from work at the casino, as well as customer driving to and from the casino. No Alternative comes close to enabling this strategy as completely as does Alternative F. Judicious planning by the City of Elk Grove and Sacramento County has the potential to turn the project into a "smart growth" feature for the region. The other Alternatives do not share this potential. Furthermore, the critical nature of the effects of this project on biological resources as proposed in Alternatives A-E makes these options more environmentally risky with no obvious countervailing benefits.

O12-21

O12-22

Purely from the environmental perspective, Alternative G is by far the best, but it does not meet the need for the tribe to achieve economic benefits that are so important for its quality of life. For that reason alone, we are not arguing here for Alternative G. Whether there could be other ways for the tribe to meet

those economic needs is an important discussion to have, but it is beyond the scope of this analysis and these comments.

Many local jurisdictions are trying to enhance a reputation for a robust Farm-to-Fork movement, a prominent feature of much advertising and civic pride throughout the region. That all but one of the proposed alternatives have the real potential of reducing the acreage of local agriculture, either directly or by growth inducement, is striking, and cause for alarm. This, alone, should weigh heavily in favor of Alternative F.

Sincerely,



A handwritten signature in black ink that reads "Brandon Rose".

Brandon Rose, President
Environmental Council of Sacramento (ECOS)



A handwritten signature in black ink that reads "Robert C. Burness".

Robert C. Burness, Co-Chair
Habitat 2020



A handwritten signature in black ink that reads "Mike Savino".

Mike Savino, Board Member
Save Our Sandhill Cranes



A handwritten signature in black ink that reads "Barbara Leary".

Barbara Leary, Executive Committee Chair
Sierra Club Sacramento Group

FIGURES

Exhibit 1: Twin Cities Site (Crane flock sites indicated by yellow circles)



Comment Letter O12 cont.

Exhibit 2: Crane flock sites near Twin Cities site (crane flocks indicated by yellow circles)

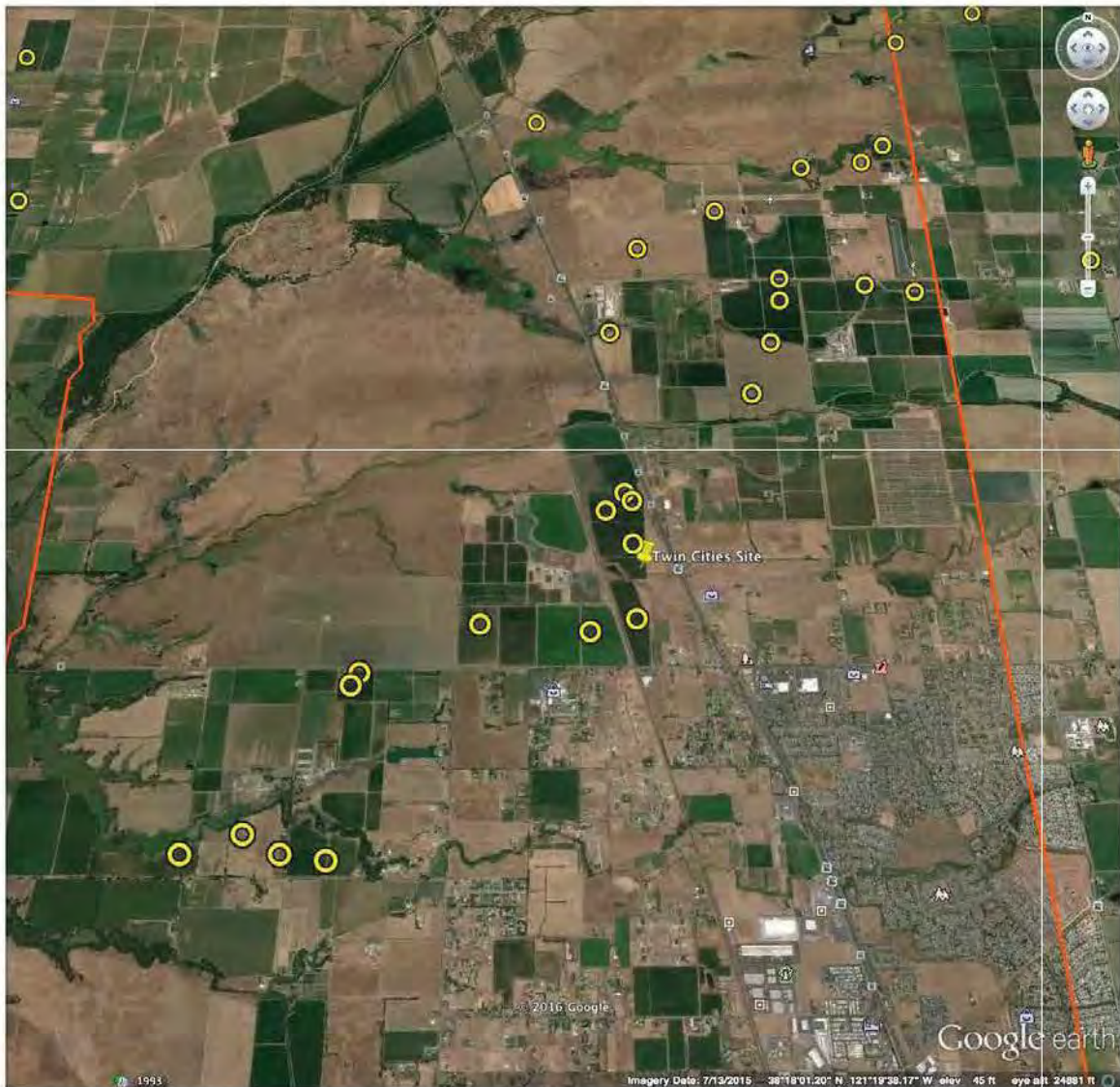


Exhibit 3: Crane flock sites near historic Wilton Rancheria (crane flocks indicated by yellow circles)



LETTERS FROM COLLECTIVE AGENCIES

Comment Letter CO1



Kristy Reed

Galt, CA Feb 16, 2016

I do not want to have a casino in the town I raise my children. I will move if it is built here.

CO1-01



Caitalin Hudson

Galt, CA Feb 15, 2016

I love my small town, we moved here to get away from traffic and crime, not bring it closer

CO1-02



Ashley Zaragoza

Galt, CA Feb 15, 2016

I moved to Galt because it is a small town! If a casino is built here, I will be putting my house on the market and leaving.

CO1-03



Danielle Walker

Galt, CA Feb 15, 2016

I love our little town! I do not want to see increased traffic and crime due to a casino!

CO1-04



Cherise Canning

Galt, CA Feb 12, 2016

I've lived within 10 miles of Thunder Valley Casino. Traffic on Eastbound and Westbound I-80 on Fridays nights, holidays, and any other special event was a nightmare and extended our drive time to any destination by an hour . It is inconceivable that Hwy 99 and Twin Cities Rd could even withstand a fraction of I-80 traffic. Our viable Galt will be no more if this casino is built.

CO1-05

Comment Letter CO2



Mary Roberson

Hailey, ID - Feb 23, 2016

More than ever we need to protect wildlife. It is our duty. Wildlife is precious.

CO2-01



Betsy Webb

Homer, AK - Feb 23, 2016

Agricultural fields best left as Sandhills crane habitat!

CO2-02



Susanne Wilson

Homer, AK - Feb 23, 2016

I'm signing this because I want to protect sandhill crane habitat in particular.

CO2-03



jim r

Homer, AK - Feb 23, 2016

i enjoy cranes

CO2-04



Sandra Powell

Coleville, CA - Feb 23, 2016

The cranes and other wintering birds need the adjacent areas for grazing/roosting. Wildlife habitat is important for the Central Valley.

CO2-05

Comment Letter CO3



David Wagner

Stockton, CA Feb 19, 2016

I'm signing because a Casino near Galt would have a negative impact on the farm land and the on species such as Swainson's Hawks and Sandhill Cranes which use the area for foraging.

CO3-01



Paul Lester

Galt, CA Feb 18, 2016

Would another casino within this geographic area be commercially viable? Even the economist who have studied this question are not sure of the answer. It would be a shame to build it and then discover that all it does is harm the viability of the other casinos in the area. In that case nobody wins! If it should move forward then the commercially zoned and approved site at the Grant Line Rd & 99 intersection is the better alternative. The infrastructure is already there and the area has been impacted by the ghost structures that are there now. It will be finished someday so why not include a casino in those plans?

CO3-02



Whitney Wood

Charmelton, CA Feb 18, 2016

This is a very bad idea and will definitely affect the surrounding ecosystems.

CO3-03



Mary DuBose

Sanaville, PA Feb 19, 2016

I volunteer at the Cosumnes River Preserve. This property is important to sustain the wildlife in the area.

CO3-04

Comment Letter CO3 cont.



Cathie LaZier

Sacramento, CA Feb 19, 2016

It's a poor use of the available land. We've lost enough habitat and we should be trying to protect this area for the wildlife, as well as for the adjacent homeowners.

CO3-05

Comment Letter CO4



Jane Thompson

Colusa, CA Feb 18, 2016

Please be sensible about this. How much would we lose to the special interest of an Indian casino? How much would we gain compared to what would be lost. Do you really think this casino would bring in good revenues? Please think again!

CO4-01



Teresa Coatlaopeuh

Sacramento, CA Feb 18, 2016

The proposal to build the casino on this land is morally reprehensible. There is already a commercially zoned and approved parcel further north at the Grant Line Road and 99 intersect. Why should more vital land for migratory fly over be compromised for greed. Point the tribe who wish to have a site out that way to the parcel that is developed already. Compromising more fields and green belts is not appropriate.

CO4-02



John Huls

Sacramento, CA Feb 18, 2016

Increased traffic on Twin Cities Rd. will disturb wintering waterfowl.

CO4-03



Amber Veselka

Yuba, CA Feb 18, 2016



Larry Landis

Elk Grove, CA Feb 18, 2016

Comment Letter CO5



Lisa Haley

Galt, CA Feb 12, 2016

I'm signing this position because I have seen first hand the effects of a gambling addict.

CO5-01



Kristy Reed

Galt, CA Feb 13, 2016

I do not want to have a casino in the town I raise my children. I will move if it is built here.

CO5-02



Caitalin Hudson

Galt, CA Feb 13, 2016

I love my small town, we moved here to get away from traffic and crime, not bring it closer

CO5-03



Ashley Zaragoza

Galt, CA Feb 13, 2016

I moved to Galt because it is a small town! If a casino is built here, I will be putting my house on the market and leaving.

CO5-04



Danielle Walker

Galt, CA Feb 13, 2016

I love our little town! I do not want to see increased traffic and crime due to a casino!

CO5-05

Comment Letter CO6



Howard Larimer

Woodbridge, CA Feb 21, 2016

I am concerned about most of the issues on the petition, particularly the impact it would have on undeveloped land. California has precious little left and there are many competing interests. As stated, a casino will have a major impact, and once built, there will be no turning back. I think it is important to consider all current and future needs. For example, a continuing drought and the ensuing financial down turn could possibly cause the business to fail. We'd then be left with ravaged land with little opportunity to reclaim it for other uses. The other proposed sites for the casino are much better choices for all these reasons.

CO6-01



Denise Weiss

Walnut Creek, CA Feb 22, 2016

Negative impact on wildlife in the area. We need to protect their longstanding territories for migration.

CO6-02



judith farnsworth

Marblehead, MA Feb 21, 2016

no do not want a casino near our town were the migratory bird / life need to continue here on earth. stop this greed there are plenty of casino's. Value life's energy in its pure form...

CO6-03



SUSAN FRITZ

Salinas, CA Feb 20, 2016

PLEASE DO NOT UPSET OUR ENVIRONMENT!

CO6-04



Karleen Gansberg

Fresno, CA Feb 20, 2016

Comment Letter CO6 cont.

I am speaking for the birds of the pacific fly way who have relied on this land for thousands of years.

] CO6-05

Comment Letter CO7



Fabiola Mouriski

Galt, CA Feb 12, 2016

I lpye the small town appeal of Galt. One reason we chose to live in Galt.

CO7-01



Barbara Badgett

Shingler Springs, CA Feb 11, 2016

I feel that a casino in Galt would adversely affect the community.

CO7-02



Gloria Chadwick

Galt, CA Feb 11, 2016

I agree with everything in the petition! I am not a gambler and I have seen firsthand what damage a casino can do to a small town, and I DO NOT WANT ONE HERE!

CO7-03



Cynthia Alvarez

Galt, CA Feb 11, 2016

I do not want a casino near our town in Galt,Ca!

CO7-04



Francisco Romero

Galt, CA Feb 11, 2016

The casino is too close to town. It will forever change the peacefulness of this place. The water demand will be too much for this town. The roads cannot handle the increase of traffic volume. We chose to live in Galt to have a peaceful time in this hectic life

CO7-05

Comment Letter CO8



Maddison McAfee

Sacramento, CA Feb 23, 2016

I'm singing this because there was very valid points on what will happen if a casino comes to Galt. I plan on living there at some point and wouldn't want a casino in my area

CO8-01



Mary Lou Ferreira

Galt, CA Feb 23, 2016

I'm a resident of Galt & bringing a casino to town may bring the city revenue but at what cost? I do not support a casino for all the reasons mentioned in this petition.

CO8-02



barbara kennedy

Homer, AK Feb 25, 2016

We in Homer, Alaska LOVE our those cranes that migrate to Homer every year and we want their habitat to be preserved!

CO8-03



Denise Filakosky

Mill Valley, CA Feb 25, 2016

The proposed casino will disrupt wildlife.

CO8-04



Jessica moore

Springville, AK Feb 24, 2016

Once habitat is lost it's impossible to get back.....ever. 300 yrs from now that casino will be gone & so will those birds. If you save the habitat the birds will still be there 300 yrs from now.

CO8-05

Comment Letter CO9



= **Angie Gaddini**

Galt, CA Mar 01, 2016

We don't need a casino in our town. This will bring traffic, congestion and increase in crime. Put it in Elk Grove at Grantline where the infrastructure is already in place

CO9-01



= **Theresa Dickinson**

Galt, CA Mar 01, 2016

To close to my residence. I drive a school bus in Galt, traffic is bad enough, why add more traffic. Not safe for the students that walk to and from school.

CO9-02



= **janessa white**

Galt, CA Mar 01, 2016

Because this is plainly, bad for Galt. It does not advocate healthy living or activities that enrich a healthy community. The cons outweigh the benefits which are supposedly only just over 700 tribal members. A major casino and high rise building do not fit in our community. Also the Environmental Impact Report only covered roughly 75 acres of the almost 300 acres requested making the EIR incomplete.

CO9-03



= **Simone Pimentel**

Galt, CA Feb 29, 2016

I want Galt to stay as an agricultural area.

CO9-04



= **John Trochet**

Sacramento, CA Feb 29, 2016

CO9-05

I am not against the tribe's having a casino. It seems that a better site is the partially developed Lent Ranch Mall in Elk Grove. The proposed Galt site not only changes the small-town character of Galt but it negatively impacts the ecological functions of the Cosumnes River Preserve, removing valuable acreage from breeding season foraging Swainson's hawks and winter foraging greater sandhill cranes, among others, especially when the Cosumnes River is out of its banks and other regular foraging sites are temporarily unavailable. If in the future the preserve is to be more than a narrow greenbelt, conversion of parcels on its margin to high density human usage areas must be avoided.

CO9-05
(cont.)

LETTERS FROM INDIVIDUALS

On Mon, Jan 18, 2016 at 6:28 PM, Dylan Perry <dylanrp@comcast.net> wrote:
Mr. Rydzik,

Hello. My name is Dylan Perry and I grew up in the Elk Grove/Galt area near where the Wilton Rancheria Casino Proposal is set and have seen it change more in those years from 1990 to present than I ever thought it would. These changes have certainly not always been good or welcome changes for the people in this area of Southern Sacramento County either. Therefore I would like to voice my thoughts on the proposed Wilton Rancheria casino project and recommend a better course of action during this EIS public review period.

Sacramento County has lost an immense amount of valuable, vital agricultural land in the past two decades while replacing it with dense suburban sprawl. This is an unsustainable trend that must be stopped as soon as possible or there will be irreversible damage to the wellbeing and image of the area. I understand that not all development has a negative effect and the necessity of development must be weighed against its costs, both financially and environmentally, which is why it is critically important to produce these EIS reports.

The main issues I have with this project include:

1. Loss of valuable and irreplaceable agricultural land which has been lost at a staggering rate in the last two decades.
2. Suburban sprawl and its effect on the environment, in particular the threatened riparian areas which are already nearly gone from all of California.
3. The availability of already developed land in the Elk Grove area where the Wilton Rancheria offices are already located.

Based on these issues I believe the best course of action for the Wilton Rancheria's people and Sacramento County is Alternative G where no casino, hotel, or large commercial development project is to be built. If this is somehow impossible then the next best alternative is listed as Alternative F in the EIS where the casino and hotel is to be built on the partially developed Elk Grove Mall site. Also, the absolute worst alternatives are Alternatives D and E with development occurring in the town of Wilton area.

I1-01

Although many precautions will be taken to avoid damaging effects on the environment and the socioeconomics of the surrounding area they will still occur regardless of whether the EIS indicated it won't. A project of this size, of any of the Alternative proposed, will invariably have a huge effect on the area that many people I know see as a negative effect. The town of Wilton would become a completely different place with such a project at its center near some of the last remaining rural Cosumnes River property. The Elk Grove City Council has been set on building the city into a sprawling "bedroom" community and have recently been stating they are working towards bringing jobs to the area. Therefore, building a smaller version of the Wilton Rancheria commercial building project at the abandoned Promenade Mall site should be an easy decision for the City Council to approve instead of trying to convince the people of Wilton that a large commercial project in their backyards is beneficial.

I1-02

In closing, I believe Alternative G - No Action - is by far the best alternative. This Wilton Rancheria Casino project will benefit very few and alter the character of the entire area in a

Comment Letter I1 cont.

generally negative way. Please do the right thing and withdraw all proposals for the Wilton Rancheria Fee-To-Trust Casino Project.

Thank you for your time,

Dylan Perry

Comment Letter I2

On Tue, Jan 19, 2016 at 11:21 AM, CHARLES NELSON <canelson46@sbcglobal.net> wrote:
We are very opposed to the proposition of a casino north of the city of Galt, Ca. There are numerous casino's already established in Northern California, adding another makes no sense. We are opposed to the additional traffic and potential for social problems. We do not a casino near us at all, regardless of who owns or operates it.

I2-01

Respectfully,

Annette and Charles Nelson
158 Brodie Drive,
Galt, CA 95632

On Wed, Jan 27, 2016 at 11:37 AM, <janessa78@comcast.net> wrote:

Greetings John,

Thank you for your time on the phone. I am professing my official objection to the prospect of this huge plan of an almost 300 acre casino just north of my neighborhood of rural and ag zoned properties. I understand that the Wilton Rancheria Tribe is shooting for the moon for the largest, best access and location to their 12 story Casino Resort. It would make sense to me if I was the Las Vegas casino investor handing out the money for the project. This land will be sold from the public to the Indian tribe making it untouchable to our city's growth. I believe that in the early 90's they have already been given the 35 acres from the government in Wilton and they should work with what they already have. There are so many reasons that I object to this plan.

1. The fact that Boyd Gaming is the money behind this project. This is a huge national corporation who owns and operates 22 gaming casinos.

-On the boydgaming.com website they list 7 states where they have casinos, Kansas= The Kansas Star, Louisiana= Amelia Bell, and 4 others. Illinois & Indiana= 1 each, Iowa has 2, Mississippi=2 and NJ with 1.

-The List also includes 9 in Las Vegas... I've checked on a popular rating site for a few of these and was not impressed neither were the folks with the reviews.

Not very many positive things to say.

- This is a huge casino investor wanting to get their foot into CA. Imagine our land for sale and the state loses all benefits to it. They are hiding under the wool of The "Indian Tribe". It sounded corrupt from the start.

2. The negative impact it will have to our quaint country town's vibe and young family environment. The majority of our population are hard working mid aged growing families. Galt prides themselves on family owned and operated. This project embodies the very opposite.

- Galt is NOT a destination community. It smells like the "farm" The family owned Dairies. Those of us who love the small country town embrace that "smell of Galt" It represents that "Country Life". That country life teaches our kids so much more than what a city will. Many of us don't mind driving to Elk Grove or Lodi to get the extras we can't find here in our small town. We have what we need, and then some.

3. The so called Jobs will NOT protect our workers. We will be under tribal employment laws Not The ones protected under CA Law. Including having to work within a smoke filled environment. No Workman's comp? How does the health insurance side of it work? Do the employees have to use the "Obama Care" plan adding additional strain to the tax base? Who Pays for them, us the taxpayer or the Casino firm funding the project?

I3-01

4. Traffic questions, this is a project that spans from the Arno exit to the Twin Cities exit. However they are calling it the "Twin Cities" plan? Does this mean they want to use the roundabouts and the Galt border to access this 12 story huge casino resort that is proposed to be just south of the Arno exit. Why is there nothing mention in the report of building or revamping the Arno exit?

I3-02

5. Proximity to schools, being just over 2 miles away from elementary middle and high schools.

I3-03

Comment Letter I3 cont.

- | | |
|---|-------|
| 6. The crime increases brought on by adding an adult activity that often leads to addiction. Whether its theft, robberies, trespassing, public drunkenness and drug use along with the increased DUI along with the problems that come with the homeless population. Homeless encampments set up under bridges and vacant buildings, panhandling, mounds of litter, garbage and stolen grocery carts. | I3-04 |
| 7. Infrastructure when it comes to police and fire services. Do we have a fire truck that can handle a 12 story building? Galt PD? They are a small dept. Will they be able to handle the additional load. | I3-05 |
| 8. Pollution: this resort is set to be set next to a river preserve. Litter, from all kinds of sources, light & additional air pollution. | I3-06 |
| 9. Water resources. With wells drying up won't a major draining source such as a Casino/Hotel be a significant drain on an already stressed system. Folks are being forced to drill new wells at major expenses, kill lawns and so on. | I3-07 |
| 10. The purchase of this land of 282 acres is way bigger than the actual casino for that space. What will happen to the rest of that "untouchable" sacred land? City of Galt can't touch it, It puts a huge damper on any future plans for our city. | I3-08 |

These are some of the reasons why I oppose this plan and urge the powers at be to reject and abandon this land grab.

Respectfully,
Janessa White
Unincorporated Galt Resident

Comment Letter I4

On Thu, Jan 28, 2016 at 8:43 PM, Alexandra Toledo <alexandratoledo7@gmail.com> wrote:

Hello Mr. Rydzik, Mr. Notoli, Ms. Heuer, Ms. Payne, Mr. Campion, Ms. Powers and Mr. Crews,

I am a long time resident of Galt, and I am opposed to bringing a casino to this community, mainly because this is a small town that is 100% family oriented and faith based. A gambling establishment is not a good match for this community. Almost everyone who lives here does so because we are a quiet small town with low crime and a great environment to raise kids. A casino runs counter to our community remaining a quiet place with low crime and a family oriented environment for children. Casinos exist to convince people to gamble away their money! That's not what most parents want their kids around.

I4-01

I4-02

The proposed location of the casino would create a traffic nightmare for this community. There are currently only small country roads and farms in the area. Our City would have to upgrade that entire area to accommodate a casino resort. This would mean roads, sewer lines, water lines and possibly the 99/ Twin Cities Interchange, all of which would cost lots of money and change the rural feel of the area.

I4-03

Since the City is also looking at developing 500 acres mostly into residences East of Twin Cities, the sewer plant will require expansion and more money from local residents. A casino would add to this cost! Since the City embarked on developing the East side of Galt, I have seen my City utilities more than triple in the last 15 years. How much more will we all have to pay to keep our sewer plant and our water delivery system in good working order with all of this new development?

I4-04

The casino would require additional policing because we would be drawing lots of people into our City on a regular basis and keeping criminal activity from getting out of hand will mean that our police force will have to grow, as is the case with the 500 acre development. The citizens of this community voted to tax ourselves after the East side was developed so we could have enough police officers to keep crime down. Will we again have to tax ourselves to maintain a large enough police force to keep our City free of crime with thousands of new homes and a casino being planned? I fear that this will again be the case.

I4-05

A casino will also lower property values in the area. The Wal-Mart has already made that part of town less desirable to live in. A casino will definitely add to this. Over time, the Northeast section of Galt will have homes that are worth less and therefore more likely to have crime and blight problems. Why would we choose to create a neighborhood like this in our City??? Most of the people who have bought into the East side of our City have done so because we are small and crime free. Bringing a casino close to all those homes will cause many of these new residents to leave our City.

I4-06

As a City and a community, we only stand to lose with a casino. It's true, there will be more jobs, but do we need more low paying, low skill jobs in this City? We will have more tourism, but most of that revenue will go back into the casino, not into our City.

I4-07

Comment Letter I5

On Fri, Jan 29, 2016 at 10:15 AM, Janene Lawrence <janenelm@yahoo.com> wrote:

Hi Mr Rydzik,

I am writing to you to let you know that I am completely against anyone taking our valuable land that separates us from the sprawling Elk Grove. This land belongs to Galt's sphere of influence and it should be considered for future development to the benefit of our small community not to the benefit of and Indian tribe and it's members. Why would the BIA even consider using land that is any towns sphere of influence? I am a local realtor in this town and the announcement that a casino could be coming has sent our residents to social media saying they will leave this town if this transfer of land is approved. I myself am included in that feeling. I have sold many many homes in Galt the past 14 years selling to people that moved here because we are a small town and they were willing to add to their commute time just to live in such a great community. You will see tonight that we will be banded together to oppose this strongly. Why was this never given to the public for it's input before now? Because they knew it would be opposed!!

I5-01

Have you been down highway 99 anytime during the day? It's a nightmare already. The congestion we already have will be tripled with non residents trying to get to that casino. This area is not a good fit for a casino and I don't appreciate one of the tribe members telling me they chose Galt because it was the area of least resistance. He was wrong!!! There is resistance. Please find another area beyond any communities sphere of influence!

I5-02

Hope you are having a great day!!!!

Your Friend and Realtor/Broker Associate

VGC Real Estate

Janene Lawrence

209-251-7336 Home Office

916-710-5115 Cell

DRE# 01332660

www.janeneshomes.com

On Tue, Feb 2, 2016 at 1:18 PM, Canning, David <David.Canning@calpers.ca.gov> wrote:

I realize that the Wilton Rancheria tribe wants to build and maintain a casino which is their right. I wholeheartedly believe that they should be allowed to do that.

However, I am a homeowner in Galt and I believe that I should have a right to continue to enjoy my home. I am quite certain that my everyday life will be significantly and negatively impacted by the presence of a giant casino less than a mile from my home.

My wife and I lived in Citrus Heights prior to the presence of Thunder Valley Casino and lived there during its ascension to prominence. We had to overcome an increase in traffic every Friday to the point that our evening commute increased from thirty minutes to an hour. On evenings where the casino had a concert, the increase was even more pronounced. That impact was felt 15 miles from the casino; I would expect that the increase would be felt far worse with the casino being placed at Twin Cities and Hwy-99.

I6-01

I realize that it sounds simplistic, but nobody moved to Galt seeking out excellent shopping and dining opportunities that are available in large metropolitan cities. We moved to Galt to enjoy the slow paced and pastoral living that it offered. We enjoy no traffic jams, we enjoy seeing the stars at night, and we enjoy not listening to the sounds of the hustle and bustle of the big cities.

If I may reference *It's a Wonderful Life*, Galt is our version of Bedford Falls. You are singularly empowered to let it remain that way or to help it evolve into Pottersville. While some people obviously want to live there, let them move. I already escaped it once; let me enjoy not being there.

Thank you.

David and Cherise Canning
792 Corvey Circle
Galt, CA 95632

Comment Letter I7

john.rydzik@bia.gov

John Rydzik

Dear Mr. Rydzik
Bureau of Indian Affairs

Subject: Proposed Indian Casino – Wilton (area) California

February 3, 2016

Please note my objection to the construction of the proposed casino in Galt, CA.

It is my preference that the proposed casino be located near Grantline Road, Elk Grove, CA. This location has good access on and off of Highway 99 and infrastructure in place to handle access/egress, parking, and utilities.

This site has been vacant, partially constructed since 2008. It is located on the out skirts of Elk Grove and would not interfere with commerce. The site proposed for Galt would require construction of an overpass and substantial improvements to the roads (Twin Cities and other access roads.

I7-01

In conversations with many of my neighbors almost 300 in our neighborhood network it is obvious the casino is not wanted. It would change the character of our small rural city.

I7-02

Thank you for your review and consideration.

Michael A. Hodge
610 Portland Lane
Galt, CA 95632
(916) 300-2416

WRITTEN COMMENT CARD

BUREAU OF INDIAN AFFAIRS – PUBLIC HEARING
WILTON RANCHERIA FEE-TO-TRUST AND CASINO PROJECT

CHABOLLA COMMUNITY CENTER – GALT, CALIFORNIA
January 29, 2016

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW. WRITTEN COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT MUST ARRIVE BY FEBRUARY 29, 2016.

(Please write legibly)

Name: Laura Coleman Organization: Homeowner -

Address: PO Box 201, Wilton, 95693

Comment: Community does not have the infrastructure to support this project.

Please take this project elsewhere.

Please give to attendant, drop in Written Comment Box, or mail to: Bureau of Indian Affairs, Attention: Amy Dutschke, Pacific Regional Director, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "DEIS Comments, Wilton Rancheria Fee-to-Trust and Casino Project" on the first page of your written comments.

WRITTEN COMMENT CARD

BUREAU OF INDIAN AFFAIRS – PUBLIC HEARING
WILTON RANCHERIA FEE-TO-TRUST AND CASINO PROJECT

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(Please write legibly)

Name: GEORGE BENNETT Organization: _____

Address: 871 BERNAL RD GALT CA 95632

Comment: WHO WILL PROVIDE POLICE PROTECTION FOR THIS CASINO? IF IT IS GALT PD, WILL THE CASINO BE PROVIDING FUNDING TO OFFSET THE EXPENSE TO PULL THE GALT PD OUT OF CITY LIMITS? OR WILL THE TAX PAYERS OF THE CITY OF GALT HAVE FLIP THE BILL?

Please give to attendant, drop in Written Comment Box, or mail to: Bureau of Indian Affairs, Attention: Amy Dutschke, Pacific Regional Director, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "DEIS Comments, Wilton Rancheria Fee-to-Trust and Casino Project" on the first page of your written comments.

WRITTEN COMMENT CARD

BUREAU OF INDIAN AFFAIRS - PUBLIC HEARING
WILTON RANCHERIA FEE-TO-TRUST AND CASINO PROJECT

CHABOLLA COMMUNITY CENTER - GALT, CALIFORNIA
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(Please write legibly)

Name: Joe A. Bermudez Organization: _____

Address: 10061 ~~Cherry~~ Chislyn Way, Galt, Ca

Comment: I am strongly opposed to the casino on Twin City Rd. It is going to cause a traffic nightmare on Twin City & the roundabouts all back up.

Please give to attendant, drop in Written Comment Box, or mail to: Bureau of Indian Affairs, Attention: Amy Dutschke, Pacific Regional Director, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "DEIS Comments, Wilton Rancheria Fee-to-Trust and Casino Project" on the first page of your written comments.

I10-01

WRITTEN COMMENT CARD

BUREAU OF INDIAN AFFAIRS - PUBLIC HEARING
WILTON RANCHERIA FEE-TO-TRUST AND CASINO PROJECT

CHABOLLA COMMUNITY CENTER - GALT, CALIFORNIA
January 29, 2016

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(Please write legibly)

Name: LAREE BERMUDEZ Organization: _____

Address: 10061 Christylyn Way, Galt 95632

Comment:
An Indian Casino would ruin the reputation of the area has you clean country living & good family environment. Infrastructure not right for mega complex, traps. Increased crime, drawing illicit activities into the area. Ruining real estate values in the area - no one wants to buy next to an Indian Casino.

Please give to attendant, drop in Written Comment Box, or mail to: Bureau of Indian Affairs, Attention: Amy Dutschke, Pacific Regional Director, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "DEIS Comments, Wilton Rancheria Fee-to-Trust and Casino Project" on the first page of your written comments.

That's just the beginning of issues.

I11-01

Rose LaVine
116 Third Street, Galt, CA 95632
(209)810-0745

January 29, 2016

Ms. Amy Dutschke
Pacific Region Director, Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Re: DEIS Comments, Wilton Rancheria's Hotel Casino Resort Project

Dear Ms. Dutschke,

Please accept these written comments into the record for the Wilton Rancheria DEIS hearing.

I have resided and worked in Galt for the past 30+ years and now own my own business. I am so excited that Wilton Rancheria has chosen Galt as the site of their Hotel Casino Resort. Galt could really benefit from the additional tax revenue and jobs that this project will generate.

The location, on the West side of highway 99 in an area that has been blighted for years is a great choice. Easy on and off access from Highway 99 and Twin Cities Rd. from I5 helps this location also. The added benefit of having more people come to Galt will have a positive effect in that our local businesses.

The Hotel Casino Resort will also attract families for their sporting event center. Since Galt is not a "destination" location, I feel that this project will attract new people to Galt in a positive way. While the Hotel Casino Resort customers are visiting, they will discover all of Galt's hidden treasures like the Old Downtown area, Wineries and the Cosumnes River preserve.

Also, the Tribe's commitment to handle traffic or any other issues that might impact our area will be an added bonus. Many of the Tribe members live and work in Galt so they have a vested interest in our town.

For these reasons, I support the proposed Wilton Rancheria and ask that the BIA move forward with this project as quickly as possible.

Sincerely,

Rose LaVine

I12-01

WRITTEN COMMENT CARD

BUREAU OF INDIAN AFFAIRS - PUBLIC HEARING
WILTON RANCHERIA FEE-TO-TRUST AND CASINO PROJECT

CHABOLLA COMMUNITY CENTER - GALT, CALIFORNIA
January 29, 2016

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(Please write legibly)

Name: CHERYN NICOLAUS Organization: PRIVATE CITIZEN

Address: HERALD, CA

Comment: Not opposed to the project But NOT sure that the GALT site is the best one. seems Elk Grove would be more fitting with the infrastructure and population.

Please give to attendant, drop in Written Comment Box, or mail to: Bureau of Indian Affairs, Attention: Amy Dutschke, Pacific Regional Director, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "DEIS Comments, Wilton Rancheria Fee-to-Trust and Casino Project" on the first page of your written comments.

I13-01

Juan Francisco Prieto
150 Camellia Way, Galt Ca.

1/29/2016

Ms. Amy Dutschke
Pacific Region Director, Bureau of Indian Affairs (BIA)
2800 Cottage Way,
Sacramento, California 95825.

Re: DEIS Comments, Wilton Rancheria's Resort Project

Dear Ms. Dutschke,

Please accept these verbal comments that I plan also to submit, after I am done speaking, as written comments for the record.

Please accept these written comments into the record for the Wilton Rancheria DEIS hearing.

Good evening, my name is Juan Francisco Prieto and I work at 150 Camellia Way, Galt Ca.. I had been connected and working in the Galt area for 3 years and would like to speak regarding the jobs creation impact, as well as the economical impact that will generate for the population of Galt of the Wilton project.

Over this years of working in the Galt area, one of the many barriers that the Galt working force population face, is the lack of substantial jobs in this area, those seeking jobs has to travel to neighbor cities to look for jobs, few opportunities has the young labor force, when they finish high school, if they don't continue college they are in the predicament to look for a job in this area that can provide for their needs and become independent from their parents, it is very difficult and challenging for this young people.

With this project will bring to the area temporary and long term jobs for all the population not only for the young. Individuals and families will have economic stability and peace of mind, when they know that they have a job with benefits.

They are other many benefits for the region like inventing in education, job training, housing, health care, elder care, etc.

This is the reason; I consider and support the Wilton Rancheria Resort Project to be developed in this great Galt Community.

Respectfully,



I14-01

WRITTEN COMMENT CARD

BUREAU OF INDIAN AFFAIRS - PUBLIC HEARING
WILTON RANCHERIA FEE-TO-TRUST AND CASINO PROJECT

CHABOLLA COMMUNITY CENTER - GALT, CALIFORNIA
January 29, 2016

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(Please write legibly)

Name: ELIZABETH REISING Organization: _____

Address: 917 JORDINE WAY

Comment: HAVING BEEN BORN/RAISED IN SAN FRANCISCO, AND LIVING ALL MY LIFE IN THE BAY AREA, WE CAME TO GALT TO GET AWAY FROM ^{THE} CRAZINESS. WE CHOSE GALT PRECISELY BECAUSE OF THE COZY HOMETOWN FEELING. WE DID NOT CHOOSE LODI OR ELK GROVE PRECISELY BECAUSE ITS TOO BUSY. FOR THAT, WE WOULD HAVE STAYED IN THE BAY AREA. HAS THE NEED TO INCREASE PUBLIC SAFETY/FIRST RESPONDERS BEEN FACTORED IN TO THE PLANS? BECAUSE CRIME WILL INCREASE. IF THIS PLAN GOES THROUGH, WE WILL BE MOVING.

Please give to attendant, drop in Written Comment Box, or mail to: Bureau of Indian Affairs, Attention: Amy Dutschke, Pacific Regional Director, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "DEIS Comments, Wilton Rancheria Fee-to-Trust and Casino Project" on the first page of your written comments.

I15-01

From: **Cathy** <catluck@att.net>
Date: Sun, Feb 7, 2016 at 7:01 PM
Subject: Wilton Tribe land project/casino
To: john.rydzik@bia.gov

Dear Mr. Rydzik,

I was at the Galt community meeting regarding the purchase of land proposed by the Wilton Miwok Native Americans. I was not able to express my thoughts then, but I would like to now.

I am understanding of the fact that the Wilton tribe has rights to purchase reservation land in place of land that they lost years ago. I am also understanding of the fact that as a sovereign nation, that they can choose to do or build whatever they see fit on their land. I am in favor of their being able to have replacement land and pursue their self-sufficiency.

However, I do have some concerns about the area of land they desire to purchase in Galt off of Twin Cities Road.

For starters, I don't believe Galt has the resources to support the large building project the tribe desires. The area proposed is over 278 acres of land that is currently in a farming area. The roads are constantly clogged due to farming equipment. Those of us who live in Galt have to get used to clogged country roads. Having a large amount of casino traffic up and down Twin Cities would be a major problem, especially during planting and harvest seasons.

Secondly, I commute up Hwy 99 to work. Hwy 99 is two lanes until you reach Grantline/Kammerer. 99 has consistent traffic problems due to congestion, poorly designed onramps, and multiple accidents due to the large numbers of trucks on the road. Even last Sunday, coming back from church, I was stuck between Kammerer and Dillard going South on 99 for over an hour due to a large accident. I do not think this portion of 99 can handle lots of commercial traffic going to a Casino at this time.

I16-01

Thirdly, water resources are a big problem in Galt. After putting \$2200 into a new front lawn three years ago, I have had to let my grass die completely due to the drought. In addition, the water quality is bad in Galt. We had a replacement well dug and we still have too high of Arsenic in our city water. Multiple families who have personal wells in the area have had to re-drill wells this year as they ran dry. I do not think having a large hotel and casino would be good here as the water is a big problem just for residents alone.

I16-02

Fourthly, the proposed land the Wilton tribe wants is part of the 30 year slow growth Galt plan. Galt plans to expand slowly and incorporate this land for revenue and new housing. By allowing the tribe to purchase the land, it would potentially greatly limit the future income and housing for Galt's future generations. By stripping the city of the taxes, income, and housing it places a future burden on the city. In addition, instead of being slow-growth, there would be extremely fast growth that I don't believe this small town can handle yet.

I16-03

Comment Letter I16 cont.

I strongly feel that the land off of Kammerer in Elk Grove near the outlet mall is a much better property for the Wilton Tribe. For starters, the land is already prepared for commercial use. The streets are wider, the infrastructure is planned and lots of it is in place. The stretch of 99 near Kammerer is already 3 lanes and is wide enough for expansion and has fewer accidents that cut off residents going south. The Kammerer land is not taking use of land detrimental to Elk Grove growth as Elk Grove has not been able to build there.

The Kammerer property would afford an easy on and off freeway access for customers. The city of Elk Grove would greatly benefit from the tribe having a casino there as the mall would have greater draw of visitors, thus more tax money for Elk Grove. In addition, mall visitors would probably be more likely to visit the casino and other business offerings of the Wilton Rancheria.

I16-04

As a former resident of Elk Grove, I never had problems with community water. I believe Elk Grove has better resources and also a LOT more experience dealing with fast growth, especially after living through the fast growth there from 2000-2006. It is obvious that the Elk Grove City knows how to deal with growth, provide resources, and expand programs as needed.

The Elk Grove land is more in a business friendly area than the Galt property.

Any benefits the Galt community would see in terms of additional jobs etc, would be experienced if the Rancheria were on the Kammerer Elk Grove site, a merely 15 minute drive.

My final thought is that the Wilton tribe has closer ties to Elk Grove as their original place of residence. From my understanding, their only tie to Galt is through one deceased native member of another tribe buried in Galt. That second tribe is not even included in the benefits of the Rancheria.

I16-05

Thank you for allowing my comments. I hope to give my full support to the Wilton Miwoks in their future endeavors, hopefully in Elk Grove.

Sincerely,
Cathleen Luckey

----- Forwarded message -----

From: **Kirk Marchetti** <kirk@mmrealestate.net>

Date: Fri, Feb 12, 2016 at 11:20 AM

Subject: Please note my strong opposition to the proposal Elk Grove Casino locations

To: john.rydzik@bia.gov

John Rydzik,

Chief of the Division of Environmental

Cultural Resource Management and Safety Bureau of Indian Affairs

Pacific Regional Office
2800 Cottage Way
Sacramento, Ca 95825
(916) 978-6051

Dear John,

I am writing this letter to you in opposition to the Elk Grove Casino project in the works for a possible location north of the outlet mall. My reasoning is based on Elk Grove being a very strong bedroom community focused on traditional family morals. The schools and the community pride and participation makes it a very sought after place to raise and educate our children. A casino is not a good fit for community and should only be considered outside of the city boundaries. Bring gaming and the corruption that accompanies this type business into the city limits of Elk Grove a ridiculous proposal if you care at all for the families and children that make this their home.

I17-01

Please note my strong opposition to the proposal.

Best Regards,

Kirk Marchetti

8924 Lake Grove Ct

Elk Grove, Ca 95624

916 806 3634

Kirk Marchetti

M&M Real Estate

Broker BRE 00795069

(916) 806-3634 cell

(916) 405-4416 fax



Comment Letter I18

Amy Dutschke
Pacific Regional Director
Bureau of Indian Affairs
2800 Cottage Way,
Sacramento, California 95825

February 3, 2016

Maureen Constantino
10075 Christylyn Way
Galt, California 95632

Reg Dir _____
Dep RD Trust _____
Dep RD IS _____
Route _____
Response Required _____
Due Date _____
Memo _____
Fis _____

"DEIS COMMENTS"

Wilton Rancheria Fee-to-Trust and Casino Project

To Whom It May Concern

I am not opposed to the casino but feel that Twin Cities, Galt it is not the ideal location. As we are all aware; casinos are notorious for drug trafficking, prostitution and crime. In addition, it brings down my property value on my home and property. Who in their right mind is going to purchase a home with a Casino/Resort in their backyard? Would you?

I18-01

The traffic is already a menace at Twin Cities with the train passing through hourly, the correctional facility and commuters accessing Highway 5/Highway 99. The train blows its horn throughout the night waking us up and detaining traffic for extended periods of time. Would your guest enjoy a nights rest with a train blowing its horn on the hour and for extended periods of time?

I18-02

I believe the best suitable place for the Casino Resort would be "**Alternative F – Casino Resort at Elk Grove Mall Site**". There is plenty of open space, an off ramp to access the Casino/Resort and it would be highly visible from the highway. It allows the property owners the ability to maintain a fair marketing price on their hard earn dollars and investment. This ideal location for your dream Casino/Resort will have minimal to no impact on home owners, residents and the community. Please take into consideration - would you honestly want a Casino/Resort in your neighborhood. (**Drugs, Prostitution, Crime, Traffic and Depreciation of your Property Value**)

I18-03

Respectfully and Best Regards,

Maureen Constantino
Maureen Constantino

Comment Letter I19

Reg Dir _____
Dep RD Trust _____
Dep RD IS _____
✓ Route Decems John R
Response Required _____
Due Date _____
Memo _____ Ltr _____
Fax _____

February 4, 2016

Renate Johnson
7938 Agate Way
Dublin, CA 94568

John Rydzik
Chief, Division of Environmental, Cultural Resources Management & Safety
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: DEIS Comments, "Wilton Rancheria Fee-to-Trust and Casino Project"
Ref.: Public Notice of Extension of Comment Period, dated Jan. 10, 2016

Dear Mr. Rydzik,

As volunteer at Cosumnes River Preserve, I thank you for the opportunity to convey my concerns and opposition to subject matter for the following reasons:

1) Proposed Location near Cosumnes River Preserve

282 acres of agricultural land, bound by Twin Cities Road to the south, Historic Highway 99 to the east, and railroad tracks to the west.

A casino complex that includes 110,260 square feet of gaming floor area, a 12-story hotel with 302 guest rooms, a 360-seat buffet, a 60-seat pool grill, other food and beverage providers, a 2,600-square-foot retail area, a fitness center, spa, and a 48,000-square-foot convention center does not belong near Cosumnes River Preserve, California Historic Highway 99 and close to open space and wildlife among other natural lands.

I19-01

2) Aesthetics

I don't want to take my grandchildren near a Gambling facility looking for Sandhill cranes, Swainson's hawk (both which are threatened species under the California Endangered Species Act) as well as other resident and migratory raptor, shorebirds, grassland bird species and other wildlife!!

I19-02

Comment Letter I19 cont.

As Volunteer Naturalist, I have an opportunity share my knowledge and love for preserving what is left of our natural areas with schoolchildren and people of all ages, socioeconomic and ethnic backgrounds.

During winter bird migration months in particular, we offer the public an opportunity to visit unspoiled land and enjoy the wildlife of this Ecological Reserve by walking the trails, looking for birds, other wildlife and/or exploring the Cosumnes river by kayak.

I19-02
(cont.)

We have about 45,000 visitors annually appreciating this Globally Important Bird Area. They should not be introduced to a crime magnet such as a casino!! A casino is out of place in this natural environment.

3) Biological Impact

Some objectives of the "Cosumnes River Preserve Management Plan" adopted as the Preserve's guiding document in 2008, addresses several relevant goals and objectives, abbreviated here:

1.2 Maintain a Landscape that supports natural processes...

1.2.2 Participate in regional land-use planning...

2.1.4 New developments proposed around the Preserve, either in close proximity or in nearby urban areas, undergo environmental review...

I19-03

I hope that any Environmental Impact Statement (EIS) will consider ALL impacts of the proposed project to the Preserve's resources and will conclude that **a more urbanized site is a better option for a gaming facility.**

I19-04

4) Water Availability and Hydrology

The EIS should consider water needs at full build-out as well as the source of water, including, but not limited to, groundwater pumping.

Considering we are having a drought now, have had droughts in the past, and may have droughts in the future, water is a critical issue to any new development.

Where is the water coming from??

I19-05

5) Public Safety

Although the casino operators may be able to control most criminal activities on the premise itself, there is the potential of criminal activity "spilling over" outside of the immediate area affecting the Preserve as well as neighboring communities.

Studies have shown that crime and moral decline of those associated with casinos are part of the **social cost of gambling**, including, but not limited to:

internal corruption

debt

divorce

alcoholism

drug use

pornography

prostitution

suicide, etc.

I19-06

6) **Cosumnes River Preserve deserves to remain a National Natural Landmark devoid of negative impacts associated with a gambling casino.**

Therefore, as a resident of the State of California, I am committed to protecting vulnerable species and conserving habitat, and I expect the Bureau of Indian Affairs to do the same.

I19-07

I consider a land-grab of prime, unspoiled, natural real estate for gaming purposes unethical and immoral.

I19-08

Ideally, the Indian tribe will consider employment opportunities other than gaming and instead focus on education and job training for gainful employment in an industry conducive to a healthy life style. If gaming is considered the only employment option at this point, I am hopeful that the Bureau of Indian Affairs can offer other alternatives, and/or suggest a gaming facility closer to existing urban development.

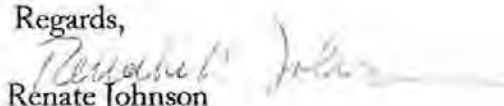
I19-09

Mr. Rydzig,

I am requesting your assistance in directing the Division of Environmental, Cultural Resources Management & Safety to **help us preserve our natural heritage and assist the Wilton Tribe in finding another solution, other than gaming near the Preserve.**

I thank you in advance for your consideration of my concerns.

Regards,


Renate Johnson



Erin Hauge
1559 5th Street • Sacramento, CA 95814
916-764-7953 • advocate4wildlife@gmail.com

Comment Letter I20

January 29, 2016

Ms. Amy Dutschke, Pacific Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

DEIS Comments, Wilton Rancheria Fee-to-Trust and Casino Project

Dear Ms. Dutschke,

I strongly urge the Wilton Rancheria to NOT use the Twin Cities location for the Wilton Rancheria casino and resort. The 282-acre piece of land at the Twin Cities interchange that is under consideration for this development is an important buffer between the Cosumnes River Preserve and the City of Galt. This agricultural greenbelt provides crucial green space between the Hwy 99 corridor and the shelter and foraging opportunities that the Preserve provides for wildlife.

As development in Sacramento County continues to fragment and encroach upon what is left of native wildlife habitat, it becomes even more important to protect open space in southern Sacramento County and, in particular, land adjacent to the Cosumnes River Preserve. This project fortunately has existing alternatives to building next to a wildlife preserve.

A development of this size will impact the lower Cosumnes River basin in ways that could negatively affect the many species who depend upon the resources there to survive and thrive. Specifically, the federally-listed threatened Giant Garter Snake and the state-listed threatened Sandhill Crane and Swainson's Hawk.

The Cosumnes River Preserve and the wildlife it sustains, such as migrating Sandhill Cranes and Swainson's Hawks, and even Bald Eagles, attracts many visitors from all over the country every year and this, in turn, brings economic gain to the surrounding communities. As a volunteer interpretive naturalist at the Preserve, I have spoken with many out-of-state visitors who know about the Preserve as an important stop on the Great Pacific Flyway for Sandhill Cranes and migratory waterfowl.

The Cosumnes River Preserve maintains habitat that encourages and sustains wildlife and is highly regarded for its wildlife viewing opportunities. The Preserve also has the notable value of being located near urban centers, which allows for easier access by people who may not otherwise be able to travel long distances to experience and observe California wildlife. This is why existing green space buffers around the Preserve must be protected.

The Cosumnes River Preserve is an important asset to the region in its own right and should be taken in to consideration regarding any major development in its vicinity.

While the Wilton Rancheria has every right to develop gaming opportunities and benefit from the economic boon this will bring, the decisions the Rancheria makes should also work in the best interest of the remaining native wildlife that has been thriving for thousands of years on the land that is now Sacramento County. To that end, there must be more study done and consideration given for how a development of this size will impact the lower Cosumnes River basin — its resources, and its resident native wildlife — over the long term.

That said, I urge the Wilton Rancheria to use another location to build a gaming complex and leave the 282 acres of land at Twin Cities Road intact.

Thank you for your consideration.

Sincerely,

Comment Letter I20 cont.

PACIFIC REGIONAL
OFFICE

Reg Dir _____
Dep RD Trust _____
Dep RD-IS _____
Route Decms
Response Required _____
Due Date _____
Memo _____ Ltr _____
Fax _____

From: Erin Hauge <advocate4wildlife@gmail.com>

Date: 3/1/2016 7:40 AM (GMT-08:00)

To: john.rydzik@bia.gov

Subject: DEIS Comments, Wilton Rancheria Fee-to-Trust and Casino Project

Mr. John Rydzik
U.S. Department of the Interior
Bureau of Indian Affairs
Pacific Region Office
280 Cottage Way
Sacramento, CA 95825

DEIS Comments, Wilton Rancheria Fee-to-Trust and Casino Project

Dear Mr. Rydzik,

I strongly urge the Wilton Rancheria to NOT use the Twin Cities location for the Wilton Rancheria casino and resort. The 282-acre piece of land at the Twin Cities interchange that is under consideration for this development is an important buffer between the Cosumnes River Preserve and the City of Galt. This agricultural greenbelt provides crucial green space between the Hwy 99 corridor and the shelter and foraging opportunities that the Preserve provides for wildlife.

As development in Sacramento County continues to fragment and encroach upon what is left of native wildlife habitat, it becomes even more important to protect open space in southern Sacramento County and, in particular, land adjacent to the Cosumnes River Preserve. This project fortunately has existing alternatives to building next to a wildlife preserve.

A development of this size will impact the lower Cosumnes River basin in ways that could negatively affect the many species who depend on the resources there to survive and thrive. Specifically, the federally-listed threatened Giant Garter Snake and the state-listed threatened Sandhill Crane and Swainson's Hawk.

The Cosumnes River Preserve and the wildlife it sustains, such as migrating Sandhill Cranes and Swainson's Hawks, and even Bald Eagles, attracts many visitors from all over the country every year and this, in turn, brings economic gain to the surrounding communities. As a volunteer interpretive naturalist at the Preserve, I have spoken with many out-of-state visitors who know about the Preserve as an important stop on the Great Pacific Flyway for Sandhill Cranes.

The Cosumnes River Preserve maintains habitat that encourages and sustains wildlife and is highly regarded for its wildlife viewing opportunities. The Preserve also has the rare and valuable asset of being near urban centers, which allows for easier access by people who may not otherwise be able to travel long distances to experience and observe California wildlife. This is why existing green space buffers around the Preserve must be protected.

The Cosumnes River Preserve is an important asset to the region in its own right and should be taken in to consideration regarding any major development in its vicinity.

While the Wilton Rancheria has every right to develop gaming opportunities and benefit from the economic boon this will bring, the decisions the Rancheria makes should also work in the best interest of

Comment Letter I20 cont.

the remaining native wildlife that has been thriving for thousands of years on the land that is now Sacramento County.

I urge the Wilton Rancheria to use another location to build a gaming complex and leave the 282 acres of land at Twin Cities Road intact.

Thank you for your consideration.

Sincerely,

Erin Hauge

--

Erin Hauge
Certified California Naturalist
Wildlife and Habitat Conservation Advocate
yippitykitty@gmail.com

Walk quietly, Coyote...the practical people are coming now.
Thomas Hornsby Ferril

Nothing in the cry of cicadas suggests they are about to die
Basho

There is a crack in everything, that's how the light gets in.
Leonard Cohen

—

Erin Hauge
Certified California Naturalist
Wildlife and Habitat Conservation Advocate
Advocate4Wildlife@gmail.com

Walk quietly Coyote, the practical people are coming now.
Thomas Hornsby Ferril

Comment Letter I21

From: **Rachel Verdoorn** <verdoorn@surewest.net>
Date: Fri, Feb 12, 2016 at 7:28 PM
Subject: In opposition of Casino in Elk Grove
To: john.rydzik@bia.gov

John Rydzik
Chief of the Division of Environmental,

Cultural Resource Management and Safety Bureau of Indian Affairs,

Pacific Regional Office

2800 Cottage Way

Sacramento, Ca. 95825

Dear Mr. Rydzik,

I am writing to you today to express my concern about the possible Wilton Rancheria Casino Resort Project that is being considered in Elk Grove just north of the future Outlet mall. I am extremely concerned about having a casino in Elk Grove. Building a casino in Elk Grove would open up a whole variety of problems to our city. For example, but not limited to, an increase of traffic, safety issues, crime, and alcohol related accidents. Also the location in question is very close to residential neighborhoods, a proposed shopping mall, a middle and high school. This is an area where families live and shop it is not a place for a casino.

I21-01

I21-02

I beg of you to please consider a location other than Elk Grove. I vehemently oppose a casino in Elk Grove.

Sincerely,

Rachel Verdoorn
Resident of Elk Grove

From: Florence Pierce <florencepierce@yahoo.com>
Date: 2/16/2016 12:11 PM (GMT-08:00)
To: john.rydzik@bia.gov
Subject: Casino proposal

John Rydzik
Chief of the Division of Environmental,
Cultural Resource Management and
Safety Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

Dear Mr. Rydzik,

I am writing in opposition to the proposed casino being located in Elk Grove.

My husband and I moved to Elk Grove in 1982. We chose to live in Elk Grove because we were told that it was a great town for families. We were not disappointed! We raised our children here and now our grandchildren are living in Elk Grove as well. Although we have seen a lot of growth and change in the years we have lived here, we still see many people enjoying and benefiting from its family friendly atmosphere.

I am strongly opposed to a gambling casino being located in Elk Grove. This type of business will do nothing to enhance the family friendly atmosphere so many people value about Elk Grove. In fact, I believe it will erode the safe and wholesome environment of the city and bring increased crime.

I am strongly opposed to a casino being located in Elk Grove, and I am especially opposed to locating it in the area of the future shopping mall. I have hoped to see the mall completed, but if the casino were nearby, I doubt if I would shop there.

Please consider finding another location for the casino, not in Elk Grove. Thank you.

Sincerely,
Florence Pierce

Comment Letter I23

On Mon, Feb 22, 2016 at 7:13 PM, Elizabeth Crockett <emcrockett@comcast.net> wrote:

I am writing in regards to the Casino that is proposed for Elk Grove CA. My husband and I have lived here in Elk Grove all our lives being 76 years, raised 6 children in Elk Grove. Elk Grove has been a friendly and family town. I don't believe it is the best interest of the community to have a Casino in Elk Grove. Parents need to spend their money on family based activities to unite families and make a better community. Not Casinos!

Thanks Dennis & Elizabeth Crockett

I23-01

Comment Letter I24

From: **Kunhuor Hak** <kunhuor@gmail.com>
Date: Wed, Feb 24, 2016 at 5:40 PM
Subject: Wilton Rancheria Casino Proposal
To: john.rydzik@bia.gov

To Whom It May Concern

As a resident of Elk Grove I strongly oppose putting this casino at the 'Alternative Site F'. Realize that this location is within walking distance to residence, Pinkerton Middle School and Consumnes Oaks High School. I do not want school kids walking home in view of patrons walking out of a casino after a few drinks and down on their luck. It is immoral and irresponsible to put a gaming and alcoholic venue this close to residents and especially schools.

I24-01

I am not opposed to helping the tribal folks with jobs and making a living but it needs to be in a more remote location.

Thanks for your time.

Kunhuor Hak

Comment Letter I25

From: **Connie Montalbano** <cmontalban@columco.com>
Date: Wed, Feb 24, 2016 at 5:43 PM
Subject: Casino
To: "john.rvdzik@bia.gov" <john.rvdzik@bia.gov>

Hello John,

I have been a resident in Elk Grove for over 30 years! I feel having a Casino in Elk Grove will bring more jobs and revenue to the city.
I love the idea!!!

I25-01

Thank you, Connie

CONNIE MONTALBANO/ REGIONAL BUSINESS MANAGER

COLUMBUS MANUFACTURING
TEL [916-685-2764](tel:916-685-2764) | MOBILE [510-750-0311](tel:510-750-0311)
30977 San Antonio Street, Hayward, CA 94544
<http://www.ColumbusSalame.com>

Comment Letter I26

From: **michaelhamiel** <michaelhamiel@comcast.net>
Date: Wed, Feb 24, 2016 at 5:51 PM
Subject: Potential Indian casino
To: john.rydzik@bia.gov

I'm a resident of Elk Grove, Calif and do not oppose the casino.
Mike Hamiel

] I26-01

From: **Son-Tammie Phan** <son.tammiex@yahoo.com>
Date: Thu, Feb 25, 2016 at 1:12 AM
Subject: Potential casino in Elk Grove
To: "john.rydzik@bia.gov" <john.rydzik@bia.gov>

Dear Mr. John Rydzik,

I have read an article in Elk Grove Citizen:

Elk Grove remains an option for proposed Indian casino site.

I am against any type of casino to be built within the vicinity of the city of Elk Grove. Please consider other sites for your new casino.

Thank you,

Elk Grove's residents

Son and Tammie

I27-01

Comment Letter I28

From: <christianer95@comcast.net>
Date: Thu, Feb 25, 2016 at 10:45 AM
Subject: DEIS Comments, Wilton Rancheria Fee-to-Trust and Casino Project
To: john.rvdzik@bia.gov

February 25, 2016

John Rydzik
Chief, Division of Environmental
Cultural Resource Management and Safety
Bureau of Indian Affairs

DEIS Comments, Wilton Rancheria Fee-to-Trust and Casino Project

Dear Mr. Rydzik,

Thank you for accepting my comments. I'm fully supportive of the Native American community to put right what was basically genocide by the Europeans in the 19th and early 20th centuries.

The Galt Twin Cities location is not the right spot for the Wilton Rancheria Casino project. This project location would cause the permanent loss of wildlife and agricultural habitat.

I28-01

However, the abandoned shopping center in Elk Grove (Grant Line / Krammer exit) would be ideal for the complex because the infrastructure is already in place, including the Hwy 99 interchange.

I28-02

I frequently volunteer at the Cosumnes River Preserve and travel Twin Cities Road regularly from Hwy 99 to I-5 and back. I've observed nesting state listed threatened Swainsons Hawks in trees and on top of utility poles and hundreds of threatened Sandhill Cranes feeding out in the fields and pastures adjacent to the road. In addition, there are literally thousands of Greater White-front geese and Snow geese feeding and loafing out in the fields all winter long.

I28-03

Twin Cities Road will become the main route from points west to the proposed casino. Thousands of cars will be traveling both directions on Twin Cities and will have a major impact on wildlife. This traffic will be crossing 2 major rail lines that are about 7 miles apart. Frequent train traffic will back up already heavy auto traffic on both the west and east side of the tracks (on both lines). The combination of heavy traffic and the bottleneck caused by train crossings will have a major native impact on birds and other wildlife that are trying to survive in an ever shrinking habitat.

I28-04

I urge the Bureau to consider the Elk Grove location as the best alternative for a gaming casino.

Sincerely,

Gordon Christianer
6295 E. Jahant Rd.
Acampo, Ca 95220

From: Tom <tomhings@hotmail.com>
Date: Thu, Feb 25, 2016 at 8:25 PM
Subject: Wilton Indian Casino In Elk Grove Ca
To: "john.rvdzik@bia.gov" <john.rvdzik@bia.gov>
Cc: "hingsv@yahoo.com" <hingsv@yahoo.com>, Tom <tomhings@hotmail.com>,
"gdavis@elkgrovecity.org" <gdavis@elkgrovecity.org>, "phume@elkgrovecity.org"
<phume@elkgrovecity.org>, "dsuen@elkgrovecity.org" <dsuen@elkgrovecity.org>,
"sdetrick@elkgrovecity.org" <sdetrick@elkgrovecity.org>, "SteveLy@elkgrovecity.org"
<stevely@elkgrovecity.org>

February 25, 2016

To whom it may concern,

I live on Grant Line Rd and will be impacted with increased traffic and noise if the casino is built, with that said I support the casino in Elk Grove For the reasons listed below.

I29-01

Benefit Elk Grove.

1. It will provide jobs for people and hopefully the jobs will pay a decent wage and good health benefits.
2. Provide food and entertainment for people that come to the city for soccer, baseball, swim meets, equestrian events and other activity's .
3. It could have a synergistic effect on the outlet mall, when it is combined with the soccer complex and competitive swimming complex.
4. City's need money to do good things for the community.
5. The city said it wanted to have jobs for Elk Grove residents locally. Here is your chance.

Benefit the community.

1. More options for food and entertainment.
2. recreational gambling opportunity's locally.
3. Hotel rooms for visitors to Elk Grove.

Benefit to the tribe to locate in Elk Grove.

1. The infrastructure is in place and ready to go.
2. It is easy to get to from Hwy. 99 and in the future I 5 as well.
3. The city of Elk Grove is responsive to the needs of its citizen's and is forward thinking.
4. The Elk Grove community has spirit and is a great place to live.
5. Elk Grove has excellent Fire and Police Departments.

Summery

It has been my experience that people do not like change of any kind. In my case the know the traffic will be here weather the casino is built or not. The bottom line is the Indians lived here first and got a bad deal as history shows. They have a right to build a casino to improve there lives, but in this case the business will be an asset to Elk Grove and our community. The Indian Casinos are good for the community's that they serve, an example is the Jackson Rancheria providing support for fire victim's this summer. Red Hawk Provided food and a warm place for residents of Placerville several years ago when an October snow storm damaged PG&E power lines cutting service to thousands of customers. Cashe Creek Casino provides professional fire and rescue services, as well as Haz Mat response to Yolo county. They are partners in there community's. I see the situation as a win win.

Sincerely

Thomas Hingsbergen

8640 Grant Line Rd

Elk Grove, Ca 95624

tomhings@hotmail.com

From: **Lacie Marchetti** <lacie@mmrealestate.net>
Date: Thu, Feb 25, 2016 at 1:59 PM
Subject: Opposition to Casino Proposal
To: john.rydzik@bia.gov

To:

John Rydzik,
Chief of the Division of Environmental
Cultural Resource Management and Safety Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, Ca 95825
(916) 978-6051

Dear John,

I am writing this letter to you in opposition to the Elk Grove Casino project in the works for a possible location north of the outlet mall. I was raised in Elk Grove, I've been here my whole life, and chose to stay and work. I stayed for the love I have for this community. A casino is not a good fit for our community and should only be considered outside of the city boundaries. Gaming and the corruption that accompanies this type business into the city limits of Elk Grove a ridiculous proposal if you care at all for the families and children that make this their home.

Please note my strong opposition to the proposal.

Thank you,

Lacie Marchetti
M & M Real Estate

BRE #01839191
9008 Elk Grove Blvd.
Elk Grove, CA 95624
Direct: 916.402.4022
Off/Fax: 916.405.4416
Email: lacie@mmrealestate.net
www.MMrealestate.net
www.MMhomesales.com



The greatest compliment you can give me is a referral to your family, friends and colleagues.

Confidentiality Notice: This communication and any accompanying document(s) are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon the communication is strictly prohibited. Moreover, any such inadvertent disclosure shall not compromise or waive the client privilege as to this communication. If you have received this communication in error, please contact us by telephone at (916) 685-2390 Thank you.

I30-01

From: **Mary Hinegardner** <hinegardnerm@gmail.com>
Date: Thu, Feb 25, 2016 at 8:13 AM
Subject: Proposed Indian Casino Site
To: john.rvdzik@bia.gov

I would like to request that under the Traffic element in the draft EIS consideration on the impacts on rural roads that are not directly surrounding the sites be included in the studies.

With two of the proposed sites adjacent to highway 99 one would tend to concentrate on impacts to highway 99, the on and off ramps, and the need for traffic studies in the immediate surrounding areas.

However, all three of these proposed sites would also have a large impact on Dillard Rd. Specifically Dillard Rd. from its intersection of Wilton Road southwest to its intersection with highway 99. This stretch of road currently has a posted speed limit of 55 miles per hour. I would like to request that the speed limit be decreased to 45 mph on Dillard Road between its intersections of Wilton Road and Cosumnes Road.

An observation of other posted 45 mph speeds limits in the area (Dillard Road northeast of the intersection of Wilton Road and Dillard Road, and Grantline Road north and south of the town on Sheldon) is also 45 mph. I see no difference in the existing land use or zoning between those areas and this stretch of Dillard Road.

Sincerely,

Mary Hinegardner
9911 Dillard Road
Wilton, CA 95693

I31-01

Comment Letter I32

From: <nevergiveup68591@aol.com>
Date: Thu, Feb 25, 2016 at 10:40 PM
Subject: casino site in Elk Grove
To: john.rydzik@bia.gov

Dear Mr. Rydzik,

I will be mailing a letter to Ms. Deuschke tomorrow but am not sure it will reach her by the deadline of February 29th for comments about the proposed casino site in Elk Grove, so decided to also send an email to you.

I live in Elk Grove and want to say that I am not for a casino near Elk Grove. I've lived here since 1998 and seen the crazy growth that has occurred. I live in the Laguna part of Elk Grove, not that far from the Auto Mall. Traffic is getting worse, without adding more traffic related to a casino. Crime has also been increasing, and becoming more violent. I keep reading how the Winton Tribe would pay the city to mitigate any negative impacts of a casino. It seems to me that if it's already known that there will be negative impacts, it would be better to not have the casino in the first place. Money isn't everything.

I32-01

I32-02

As I said in the letter to Ms. Deuschke, my husband and I have been talking about moving because Elk Grove is changing in the wrong way. This might just tip us over to finally doing that. Please take Elk Grove off of your list.

Sincerely,
Genie Holleman --

Comment Letter I33

From: **Barbara** <barbwire2@frontiernet.net>
Date: Thu, Feb 25, 2016 at 1:20 PM
Subject: Casino
To: john.rydzik@bia.gov

Hello Mr. Rydzik: I am responding to the suggestion that an Indian casino be built in Elk Grove, California. I have been a resident of Elk Grove for nearly 40 years. I do not feel that an Indian casino is necessary in our town. I am totally opposed to the idea. If the casino was in an isolated piece of land (such as the proposed land in Galt), I would have no objection. However, having a casino, hotel, etc. placed between the abandoned mall and Kaiser Permanente, and practically in the backyard of my home is not the least appealing.

I33-01

My vote (and that of my husband) is NO!

Thank you for listening.

Barbara J. Thomas

WRITTEN COMMENT CARD

BUREAU OF INDIAN AFFAIRS - PUBLIC HEARING
WILTON RANCHERIA FEE-TO-TRUST AND CASINO PROJECT

CHABOLLA COMMUNITY CENTER - GALT, CALIFORNIA
January 29, 2016

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW. WRITTEN COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT MUST ARRIVE BY FEBRUARY 29, 2016.

(Please write legibly)

Name: Lena M. Corfese Organization: Retired

Address: 1160 Ivie Estates Herald, CA 95638

Comment: I feel the best location for the Casino is Alternative F

Please give to attendant, drop in Written Comment Box, or mail to: Bureau of Indian Affairs, Attention: Amy Dutschke, Pacific Regional Director, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "DEIS Comments, Wilton Rancheria Fee-to-Trust and Casino Project" on the first page of your written comments.

I34-01



WRITTEN COMMENT CARD

BUREAU OF INDIAN AFFAIRS – PUBLIC HEARING
WILTON RANCHERIA FEE-TO-TRUST AND CASINO PROJECT

CHABOLLA COMMUNITY CENTER – GALT, CALIFORNIA
January 29, 2016

Reg Dir old ✓
Dep RD Trust ✓
Dep RD IS ✓
Route Decls
Response Required ✓
Due Date ✓
Memo ✓ Ltr ✓

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW. WRITTEN COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT MUST ARRIVE BY FEBRUARY 29, 2016.

(Please write legibly)

Name: Joseph F. Cortese, Jr Organization: Retired

Address: 11960 Ivie Estates Lane, Herald, CA 95638-8302

Comment: I Feel The Alternative "F" Location (The Elk Grove Mall Site) is the ONE WITH The Infrastructure in Place.

Please give to attendant, drop in Written Comment Box, or mail to: Bureau of Indian Affairs, Attention: Amy Dutschke, Pacific Regional Director, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "DEIS Comments, Wilton Rancheria Fee-to-Trust and Casino Project" on the first page of your written comments.

I35-01

1 of 2
Comment Letter I36

Reg Dir _____
Dep RD Trust _____
Dep RD JS _____
Route DEORMS
Response Required _____
Due Date _____
Memo _____ Ltr _____
Fax _____

February 17, 2016

Amy Dutschke, Pacific Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Subject: DEIS Comments, Wilton Rancheria Fee-to-Trust and Casino Project

To whom it may concern:

Due to the limited amount of time I was allowed for verbal comments at the hearing, I am submitting additional comments in writing regarding the proposed Wilton Rancheria Casino Project. It's my understanding the Wilton Rancheria Indians lost about 39 acres of tribal lands. The obvious solution to that issue is to restore to the Tribe, 39 acres near the area of their heritage.

1.) My first alternative choice is definitely (G). No Action. We don't need another Indian Casino. It seems that soon, we'll have as many casinos as Walgreens drugstores or Starbucks Coffee shops. Stories of casinos providing mostly low salaried/no benefit jobs, tribal council infighting, bankruptcy filings, it just doesn't seem like a good idea for any community. We certainly don't need more places for addictions to develop, social costs to communities, the attraction for young people to start drinking and gambling, or the criminal element that is always attracted to casino environments such as sex trafficking, drug deals. Whenever a casino wins, a family loses.

I36-01

2.) The alternative (D) and (E) which locate the casino at the historic Wilton Rancheria Site makes the most logical sense. It restores the Historic Rancheria site that was lost years ago. It most closely follows the intent of the initiative that was passed years ago to allow recognized Indian Tribes to use their current tribal lands for purposes that would provide income for the Tribes.

I36-02

3.) In terms of the best financial decision, the alternative (F), the proposal for the mall site off of Grantline/Kammerer Rd in Elk Grove, makes the best business sense. The infrastructure is already there; easy freeway access, retail zoning, streets and streetlights in place. Also, there's lots of surrounding vacant land, that would attract retail businesses that would invite more retailers and customers to the area. Additionally, the Elk Grove community has far more basic services available than the Galt area such as phone providers, satellite providers, emergency medical, etc. The housing subdivisions within a couple miles of the site were built years after the mall site was started. Therefore, homebuyers in the area were well aware that the mall area would be developed and would come with accompanying traffic, noise and crowds. As far as financial investment, this site is a dream come true. The casino could be up and running at this site faster, surely with less financial upfront costs than any of the other alternatives.

I36-03

Comment Letter I36 cont.

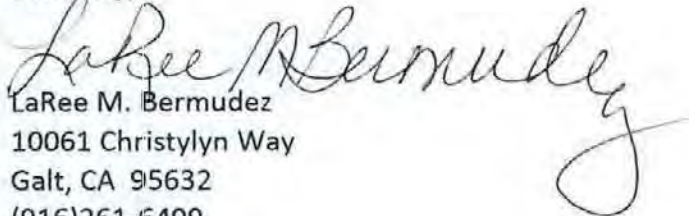
4.) Lastly, the 282 acre Galt site (Alternative A or B) is simply a poor choice. The size of the site is absolutely unreasonable. The Tribe lost 39 acres; 282 acres is 243 (700%) more than was lost to them. That's equates to a loss in the property tax base to the County. Also, it's in the middle of farm country. Galt is known for a Wild Animal Refuge, a Winter Bird Festival, a summer Strawberry Festival, small town parades and a local flea market and quiet living. The needed infrastructure simply does not exist to accommodate this massive megastructure project. And the construction required would simple destroy the nearby neighborhoods for long periods of time. Many of the neighbors, close to the proposed site, have been here for lots of years. The neighborhood includes hundreds of upscale homes and ranchettes that represent millions of dollars in their owners' life investments who do not welcome the traffic, lowering home values, inevitable crime, the noise, nor the pollution that a 282 acre project would bring.

I36-04

The current zoning does not allow this kind of project. It does not follow the area's growth plan which is currently in effect until 2030. And, with the amount of land identified in Alternative (A) and (B) is far in excess of the 39 acres the Tribe lost. I'm worried that far more is actually being planned for this site behind the scenes than was publicly announced. Perhaps a huge outdoor amphitheatre, more casino gaming areas.....Once the trust is approved who knows how all that land would be used. If this is the site that is approved, it should be for no more than 39 acres of retail only, NO gaming.

I36-05

Sincerely,


LaRee M. Bermudez
10061 Christylyn Way
Galt, CA 95632
(916)261-6499

Comment Letter I37

From: Joanne Vinton <jmvinton@peak.org>

Date: Mon, Feb 15, 2016 at 5:17 PM

Subject: DEIS Comments, Wilton Rancheria Fee-To-Trust and Casino Project

To: john.rvdzik@bia.gov

These comments are on the Draft EIS for the Wilton Rancheria Fee-to-Trust and Casino Project.

I do not support development on the Twin Cities Site or the Rancheria Site. These sites are currently open space and farmland near the Cosumnes River Preserve, an area that is becoming increasingly fragmented with development. The greenbelt between Galt and Elk Grove needs to remain intact. Development on these sites would be out of character with the rural environment. The Twin Cities Site and the Rancheria Site provide wildlife corridors and essential habitat for many species, including an important Central Valley stopover for migrating Swainson's Hawks, currently state listed as Threatened. Regarding effects of development on bird migration, "[b]uilding collisions, and particularly collisions with windows, are a major anthropogenic threat to birds, with rough estimates of between 100 million and 1 billion birds killed annually in the United States" (<http://www.bioone.org/doi/abs/10.1650/CONDOR-13-090.1>).

I37-01

I support the issues raised by Sacramento County Regional Parks Department Director Jeffrey R. Leatherman in his letter dated January 6, 2014 (see attached).

The Cosumnes River Preserve was visited by over 64,000 people in 2015. From page i of the COSUMNES RIVER PRESERVE MANAGEMENT PLAN 2008:

"The Cosumnes River Preserve Partners envision the permanent protection of a continuous riparian corridor extending from the Cosumnes headwaters to the Delta, including adjacent floodplain and wetland habitats, and a vast vernal pool grassland complex supporting endangered species. The Partners will utilize stewardship and compatible ranching and farming activities as methods to sustain native plant and wildlife communities and the processes that perpetuate a dynamic mosaic of habitats. We will provide opportunities for people of all ages to appreciate the flora and fauna of the Cosumnes River Preserve and to experience being part of a natural landscape."

I37-02

Although none of the proposed sites are good, the Alternative F site is best because it is a brownfield--already developed. The other sites will impact the Cosumnes River and its floodplain.

I37-03

Regarding Transit Services (3.8.3) at the Twin Cities Site that has a proposed entrance north of Twin Cities Road at Mingo Road:

I did not find a Route 3 on South County's transit website.

The Highway 99 route is an express route that stops only at Lodi Transit Center, Galt City Hall, Elk Grove Shell Station, and points north.

I37-04

Comment Letter I37 cont.

The Delta to Galt Route has only two stops in Galt--at Raley's east of Highway 99 / south of Twin Cities Road, and City Hall.

Currently, none of these buses would serve the proposed casino.

I37-04
(cont.)

Destination resorts such as casinos belong in cities. It is irresponsible to build them in rural areas.

Sincerely,

Joanne Vinton
1206 48th Street
Sacramento, CA 95819
916-254-0131
jmvinton@peak.org

Regional Parks Department
Jeffrey R. Leatherman, Director



Comment Letter I37 cont.

Divisions

Administration
Golf
Leisure Services
Maintenance
Rangers
Therapeutic Recreation Services

County of Sacramento

January 6, 2014

Amy Dutschke
Regional Director, Bureau of Indian Affairs, Pacific Region
2800 Cottage Way, Sacramento, California, 95825

Re: Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Wilton Rancheria Fee-to-Trust and Casino Project, Sacramento County, California

Dear Ms. Dutschke:

Thank you for the opportunity to provide comments on the "Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Wilton Rancheria Fee-to-Trust and Casino Project, Sacramento County, California."

The Cosumnes River Preserve (Preserve) is a partnership with seven national, state, local and non-profit land-owning partners at the Cosumnes River Preserve, and has been active for almost 30 years in preserving this area. The Preserve consists of natural and working agricultural lands, protected by government agencies and conservation organizations holding fee title, a conservation easement, or both. Portions of the Preserve have been recognized as an Area of Critical Environmental Concern by the Bureau of Land Management, an Ecological Reserve by the California Fish and Game Commission, a Globally Important Bird Area by the National Audubon Society and the American Bird Conservancy, and a National Natural Landmark by the National Park Service. Further, the Preserve lies in the heart of California's Central Valley, which has been deemed "an internationally significant area for wintering and migrating shorebirds" by the Southern Pacific Shorebird Conservation Plan.

Signatories to the Cooperative Management Agreement for the Preserve, confirmed their good faith intention to implement the "Cosumnes River Preserve Management Plan" adopted as the Preserve's guiding document in 2008. Several sections of this document are relevant, and should be helpful in addressing potential impacts during the preparation of the EIS. Some relevant goals and objectives include:

- *1.2 Maintain a landscape that supports natural processes and habitat for the Preserve's focal conservation targets consisting of natural lands and suitable agriculture at and surrounding the Preserve (100-year floodplain up to Sacramento County's Urban Services Boundary).*
- *1.2.2 Participate in regional land-use planning and floodplain management efforts (e.g., South Sacramento County HCP, City of Elk Grove General Plan, county general plans, LAFCO decisions) that may affect Preserve resources (e.g., habitat destruction, degradation, or fragmentation) or complement conservation goals (e.g., open space and wildlife corridors among other natural lands).*

- *2.1.4 As new development projects proposed around the Preserve, either in close proximity or in nearby urban areas, undergo environmental review (CEQA), ensure that project proponents consider potential effects on visual resources at the Preserve, including the effects of outdoor nighttime lighting.*

Based on this plan, the EIS should consider the impacts of the proposed project on the agricultural buffer that currently exists between the Preserve and the urbanized area of Galt. It should also consider impacts from removing habitat for listed and other species that depend on the Preserve and the area in and around the proposed site. In particular the project has the potential to impact the Cosumnes watershed, which includes habitat for the giant garter snake, a threatened species under the Federal Endangered Species Act.

Through reference to the 2008 Management Plan, the EIS should consider impacts of the proposed project to the Preserve's resources, and include the Preserve as a nearby land use given its local, regional, and global significance. Any location maps should identify the Cosumnes River, Badger Creek, Cosumnes River Preserve, protected lands, and Resource Conservation Areas in the Sacramento County General Plan.

The Miwok tribe has partnered with the Cosumnes River Preserve in the past, for example to identify culturally relevant sites and protect Valensin Ranch. We encourage more engagement with Preserve staff to help ensure that any development minimizes impacts to the Preserve and surrounding environment.

Specific issues to address in preparation of the EIS are:

1. Aesthetics

Development within this area will affect the rural character of the existing environment, degrading the visual character and quality of the existing open space and farmland. Urbanized development will also create a new source of glare during the day and, if development follows prior examples, substantial light at night. This will adversely affect day and nighttime views in the area.

2. Agricultural Resources

The conversion of farmland to non-agricultural uses is a significant impact. Aside from the impacts within the site itself, it should also be recognized that without some instrument that maintains the viability of existing land uses at the outside edge of the new development, it inevitably leads to speculation and development pressure on adjacent areas.

3. Biological Resources

The proposed site most likely includes habitat values for the greater Sandhill crane and Swainson's hawk, both of which are threatened species under the California Endangered Species Act. It also hosts other resident and migratory raptor, shorebird, and grassland bird species. The lower Cosumnes basin hosts one of the largest remaining valley oak riparian woodland complexes in California, which provides critical nesting habitat for migratory songbirds. The wetlands and stream courses feeding into the Cosumnes River host the largest remaining population of California's giant garter snake, a threatened species under the Federal Endangered Species Act.

Many other species that are not presently listed depend on the lower Cosumnes basin to maintain their current population numbers. If the remaining vestiges of these critically important habitats are further compromised by urban encroachment and sprawl, many of these species would likely diminish in number to the point that

they, too, would need to be considered threatened with extinction. We encourage consideration of the regional significance of this area, in light of the considerable investment of public dollars represented by the Cosumnes River Preserve, a multi-agency project that protects and encourages wildlife to use this area. Southern Sacramento County is one of the last areas of the County where wildlife thrive, and the increasing importance of this area as a wildlife resource cannot be overemphasized as other areas within the larger region (Natomas and western Placer & El Dorado Counties) are developed.

The EIS should include the required surveys at the appropriate time, consistent with the required protocols for gathering information about the mosaic of existing species and habitats that inhabit the proposed site. The lead agency must also consult with the state and federal trustee agencies, the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and National Marine Fisheries Service (for anadromous species).

4. Hydrology & Water Quality

The project site is within Galt's Sphere Of Influence, but may pose a number of important sensitivities, in particular for water supply. The EIS should consider the water needs of this area at full build-out, as well as the source of that water, and the environmental impacts of the use of that water. The EIS should recognize and seek to minimize impacts to the Cosumnes watershed, particularly Laguna Creek and associated natural drainage channels, through appropriate design and buffer distances. Wetland impacts should be addressed and mitigated, including avoidance of areas within the 100-year floodplain. Other considerations include impacts from urban discharge and floodwater management. Finally, due to climate change there is a potential reduction in the quality and supply of water from the Sierra snowpack, so the EIS should also consider this effect on long-term water supplies.

This is a particularly sensitive area for a major expansion of groundwater pumping, so the impact to groundwater should be assessed, along with conformity to existing groundwater management plans. Historical groundwater withdrawals to supply municipal and agricultural water needs have resulted in large areas where groundwater levels have been lowered considerably as compared with pre-development levels. Such areas, referred to as regional cones of depression, have developed both north and south of the Cosumnes River (Mount et al. 2001, Fleckenstein et al. 2004). This is a serious problem because the regional cones of depression induce water to flow out of the river and into the groundwater, reducing river flows downstream and leaving parts of the Cosumnes River completely dry during large parts of the year. In addition, the decline in groundwater levels threatens the riparian habitats along the Cosumnes River, which depend on local groundwater conditions.

The EIS should therefore address impacts of increased groundwater withdrawals not only on water supply, but also on Cosumnes River surface flows and nearby riparian habitats.

Thank you for allowing us the opportunity to provide comments on the NOI.

Sincerely,



Jeffrey R. Leatherman
Director, Department of Regional Parks

Comment Letter I38

Desk of: Rickey A. Hicks

9133 Posada Way

Sacramento, CA 95826-4131

Reg Dir _____
Dep RD Trust _____
Dep RD IS _____
Route _____
Response Required _____
Due Date _____
Memo _____ Ltr _____
Fax _____

Dear Mr. John Rydzik,

This letter is in regard to the Draft Environmental Impact Statement (DEIS) on the proposed Galt Casino. The primary site is the frontage along Highway 99 south between Twin Cities Road and Mingo Road.

I feel this is not the best suited site for this casino. Although I strongly support most Native American issues in regard to their needs and wants. It is a very sad history of American genocide in this country on Native Populations throughout this nation. Broken treaty after broken treaty is very disgusting. Native Miwok people being landless is deplorable. The Sacramento tribal unit deserves to have their own land since it was theirs to begin with. Although not a big fan of gambling itself, that is their choice. Most casinos I have enjoyed never seem to have the really bad issues some speak about. It may exist in some places but doubtful it is any worse than say inner city issues of drugs, murder, robbery, vice, and other assorted issues associated a lot with unemployment. This casino creates employment.

Growth no matter where tends to create more growth. This is one of my main issues of any large development that is not infill. Growth in the above location is only miles from the Cosumnes River Preserve and the Cosumnes River watershed. Any major continued growth in this swath of watershed poses a serious threat to the only undammed river left on the west side of the Sierra Nevada Mountains. A natural flooding ecosystem any development closer to the preserve and its lands along the watershed pose a possibility of flood control with levees and forbid a dam. Very real possibilities!

Please keep in mind that obviously disturbing any land disturbs its flora and fauna drastically. Constant mitigation is not always the answer. Mitigation lands are not always followed up on for their viability of supporting like fauna and flora habitat success. This again is why infill is should always be first choice when new development is proposed.

The Galt Casino in its proposed 1st choice location is definitely not infill. Therefore the better choice of the alternatives should be the vacant Elk Grove Mall / Lent Ranch Shopping Mall site. I can remember the many meetings on the issues with this site and I attended some of them. It required an urban services boundary (USB) move south to Kammerer (sp?) Road. This was done quickly once Elk Grove became an incorporated city. The recent recession quelled any further development and the mall never came to reality. Too many malls and retail now. Thus the mall with a few skeleton buildings sits ghostly on this site. This I feel is a much better site to use for the Galt Casino for several reasons. Those being the following:

I38-01

I38-02

I38-03

- [1] This site has gone through the California CEQA EIR process already (I assume).
- [2] The infrastructure for Water is already there (I assume).
- [3] The infrastructure for sewage is already there (I assume).
- [4] The interchange on Highway 99 was built in anticipation of this large shopping mall being built. The traffic nightmare of Highway 99 will still be there, but a new interchange should not need to be built.
- [5] There may be room for the casino and other development also

I38-03
(cont.)

If there is to be a Federal NEPA DEIS specifically for this alternative proposed site it must include that the development cannot proceed south of Kammerer Road the USB. It should also include the future possibility of urban growth inducement south of the above. The DEIS needs to address the fact that the Cosumnes River Preserve (CRP) project has been for many years trying to protect the watershed of the river and to discourage further growth south of the USB which only discourages protection. The casino needs to be a friend of the CRP not an inducement to help in a larger puzzle that may someday seriously threaten the overall preserve plans to protect the Cosumnes watershed and critical bird and wildlife habitat. Once habitat it is gone where do the flora and fauna go? They get no notice to move. Most large ecosystems of California including riparian habitat have only less than 10% left of the original habitat. This is absolutely deplorable in a state that is one of the most beautiful places on planet earth. California hosts so many habitats. Asking for permanent preservation of the Cosumnes River watershed is asking for it now, before it is too late.

I38-04

I38-05

I like to compromise where compromise can work. I believe locating the Galt casino to the alternative site of the Elk Grove Mall / Lent Ranch Shopping Mall vacant area can work for all parties involved with the Sacramento Miwok peoples reasonable concerns coming first.

Thank you for the opportunity to comment.

Rick A. Hicks – longtime CRP volunteer & environmentalist

Rick A. Hicks

2-19-2016

WILTON RANCHERIA FEE-TO-TRUST AND CASINO PROJECT

WRITTEN COMMENT CARD

BUREAU OF INDIAN AFFAIRS - PUBLIC HEARING
WILTON RANCHERIA FEE-TO-TRUST AND CASINO PROJECT

CHABOLLA COMMUNITY CENTER - GALT, CALIFORNIA
January 29, 2016

Reg Dir red ✓
Dep RD Trust ✓
Dep RD IS ✓
Route 100ms
Response Required ✓
Due Date ✓

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW. WRITTEN COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT MUST ARRIVE BY FEBRUARY 29, 2016.

(Please write legibly)

Name: JEANINE FERREIRA Organization: _____

Address: 605 PRINGLE AVE #45, GALT, CA 95632

Comment: I AM NOT IN FAVOR OF A CASINO BEING BUILT SO CLOSE TO OUR TOWN. THERE ARE ALREADY TOO FEW SMALL TOWNS LEFT. THE IDEAL LOCATION WOULD BE ELK GROVE NEAR ORANT LINE - THE INFRASTRUCTURE IS ALREADY THERE. WHY NOT AT THE WEST END OF TWIN CITIES NEAR I-5?

Please give to attendant, drop in Written Comment Box, or mail to: Bureau of Indian Affairs, Attention: Amy Dutschke, Pacific Regional Director, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "DEIS Comments, Wilton Rancheria Fee-to-Trust and Casino Project" on the first page of your written comments.

I39-01

I39-02

Comment Letter I40

Reg Dir _____
Dep RD Tr _____
Dep RD IS _____
Route RPM _____ Ms. Cecelia Parker
Response Rec'd _____ 1000 Rossburn Court
Due Date _____ Galt, CA 95632
Memo _____
Fax _____

PAC
February 1, 2016



Ms. Amy Dutschke
Pacific Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Dear Ms. Dutschke:

Attending the informational Galt Community meeting, Friday, January 29, 2016, was most informative. I thought that all of the Public Comments were articulate and heart-felt. I have been a resident of Galt for three years and welcome the Twin Cities Casino Resort whole-heartedly. As a retiree, I am not fond of having to leave Galt to purchase items that Galt businesses do not offer.

More than anything, I think the Wilton Rancheria (Tribe) deserves to have their Casino Resort wherever they would like it to be. An Anthropologist that spoke at the meeting clarified the history of the Wilton Tribe and how they inhabited our area for at least four thousand years. My ancestors migrated from European countries to America for a better life and Native Americans already had what they wanted, while they were here. They had the land they occupied taken from them. What the Wilton Rancheria (Tribe) is asking for is not a much, when you consider what they have lost. Provide their request to be self-sufficient. Give Wilton Rancheria (Tribe) some of the land back, please.

Sincerely,


Cecelia Parker

I40-01

WRITTEN COMMENT CARD

BUREAU OF INDIAN AFFAIRS – PUBLIC HEARING
WILTON RANCHERIA FEE-TO-TRUST AND CASINO PROJECT

CHABOLLA COMMUNITY CENTER – GALT, CALIFORNIA

January 29, 2016

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(Please write legibly)

Name: Katherine Sherman Organization: _____

Address: 890 Village Run Drive (apt 614) Galt Ca. 95632

Comment: This is the matter of a proposed agenda of a Indian Casino to be built in Galt Ca. It will be an advantage for all peoples. To go to Elk Grove Ca. freeway exits and access are already in slatted, lots of open areas available for any large undertakings, a center draw for patrons, both north & south, easy access on & off on ramps already installed, advantages for all

Please give to attendant, drop in Written Comment Box, or mail to: Bureau of Indian Affairs, Attention: Amy Dutschke, Pacific Regional Director, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "DEIS Comments, Wilton Rancheria Fee-to-Trust and Casino Project" on the first page of your written comments.

I41-01

WRITTEN COMMENT CARD

BUREAU OF INDIAN AFFAIRS - PUBLIC HEARING
WILTON RANCHERIA FEE-TO-TRUST AND CASINO PROJECT

CHABOLLA COMMUNITY CENTER - GALT, CALIFORNIA
January 29, 2016

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(Please write legibly)

Name: TRUMAN NICOLAUS Organization: N/A

Address: P.O. BOX 515 HERALD, CA 93638

Comment: I DRIVE HIGHWAY 99 TO SACRAMENTO TWICE A DAY. IN THE EVENING COMMUTE SOUTH BOUND FROM ELK GROVE - GRANT LINE TO LIBERTY RD PAST GALT - IS HEAVY WITH TRAFFIC ON JUST A TWO (2) LANE ROAD. WE NEED MORE TRAFFIC IN THE GALT AREA OF 99 LIKE WE NEED A HOLE IN OUR HEAD. IF A CASINO IS NECESSARY IN SOUTHERN SACRAMENTO COUNTY IT WOULD BETTER FOR A CONCERNED IF IT WAS BUILT ON GRANTLINE + 99 - THE OVERPASS IS THERE ALREADY.

Please give to attendant, drop in Written Comment Box, or mail to: Bureau of Indian Affairs, Attention: Amy Dutschke, Pacific Regional Director, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "DEIS Comments, Wilton Rancheria Fee-to-Trust and Casino Project" on the first page of your written comments.

I42-01

WRITTEN COMMENT CARD

**BUREAU OF INDIAN AFFAIRS – PUBLIC HEARING
WILTON RANCHERIA FEE-TO-TRUST AND CASINO PROJECT**

CHABOLLA COMMUNITY CENTER – GALT, CALIFORNIA
January 29, 2016

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(Please write legibly)

Name: David Cargill Organization: _____

Address: 890 Village Run Drive #514 Galt, CA, 95632

Comment: Grant Line and Hwy 99 is a great Place

Please give to attendant, drop in Written Comment Box, or mail to: Bureau of Indian Affairs, Attention: Amy Dutschke, Pacific Regional Director, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "DEIS Comments, Wilton Rancheria Fee-to-Trust and Casino Project" on the first page of your written comments.

I43-01

Comment Letter I44

February 17, 2016

Amy Dutschke, Pacific Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Reg Dir	<input checked="" type="checkbox"/>
Dep RD Trust	<input checked="" type="checkbox"/>
Dep RB IS	
Route	<u>Secems</u>
Response Required	
Due Date	
Memo	<u>Ltr</u>
Fax	

RE: DEIS Comments, Wilton Rancheria Free-to-Trust and Casino Project

Dear Ms. Dutschke,

My grandparents and my uncles, aunts, and mother were all a part of a Galt pioneer family and that accounts for my love for and loyalty to the City of Galt and the surrounding area. Based upon my love of this area, and my concern for the preservation of its history, 29 years ago I founded the Galt Area Historical Society in hopes of protecting the wonderful past of the area from the San Joaquin County Line to the Cosumne River. When someone or some agency comes into the area to propose a project, I take a keen interest in it, and I am particularly interested in the casino project that might be built north of Twin Cities road, west of Highway 99.

During the past twenty years, my husband and I have traveled north on I 5 into Oregon, and we have chosen to stop at the well-appointed, well-cared-for casinos along the way, both for eating and for sleeping. We know how nice they can be. (Our particular love is "Seven Feathers" in Oregon, because of their beautiful landscaping.) As we have visited these casinos we have found them neat, clean, well organized, and enjoyable. We have never been to one that disappointed us, so if the same care will be put into the planning for your project, both my husband and I agree it would be a wonderful addition for Galt.

We see a casino in Galt as a place that would showcase the local Native Americans while providing a place of excellent food and housing, and, of course, we hope beautiful landscaping. This area was once filled with oak trees, grizzlies, elk, a variety of fowl, and wildflowers. We hope that they would be incorporated somehow in the planning.

We write this letter to you to indicate our approval of this project and our hope that it will be a place of beauty that expresses the way this area was for the Miwoks. This is a rare and wonderful opportunity for us all to "preserve the irreplaceable".

Sincerely,


Mr. & Mrs. David Olson
P.O. Box 848
Galt, CA 95632
(209) 745-0951

I44-01

WRITTEN COMMENT CARD

BUREAU OF INDIAN AFFAIRS – PUBLIC HEARING
WILTON RANCHERIA FEE-TO-TRUST AND CASINO PROJECT

CHABOLLA COMMUNITY CENTER – GALT, CALIFORNIA

January 29, 2016

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(Please write legibly)

Name: David & Eugenia Olson Organization: Retired educators

Address: _____

Comment: _____

Please give to attendant, drop in Written Comment Box, or mail to: Bureau of Indian Affairs, Attention: Amy Dutschke, Pacific Regional Director, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "DEIS Comments, Wilton Rancheria Fee-to-Trust and Casino Project" on the first page of your written comments.

From: Gordon Weiss <bapaw09@gmail.com>
Date: 2/27/2016 8:19 AM (GMT-08:00)
To: john.rydzik@bia.gov
Subject: Wilton Rancheria Casino Project

John Rydzik
Chief, Division of Environmental, Cultural Resource Management and Safety, Bureau of
Indian Affairs
john.rydzik@bia.gov

Dear Sir,

I strongly oppose the Twin Cities Road location in the Galt area for any of the three proposals (A, B and C) of the Wilton Rancheria Casino Project.

My opposition is primarily based on the effects of these proposed projects on the Cosumnes River Preserve and on the purpose of the Preserve as outlined in its Mission Statement. Based on review of the Draft EIS, I have concluded that any of proposals A, B or C has the potential to SIGNIFICANTLY affect wildlife species, including federally listed species, species of concern and migratory birds, particularly Swainson's Hawks and Greater Sandhill Cranes.

I45-01

This site is currently primarily agricultural land and unimproved grassland which provides feeding habitat for Wintering Sandhill Cranes. The EIS used biological studies done only during late Spring and Summer to conclude that there would be little impact on the cranes. But the cranes only use this area during late Fall to late Winter, so this conclusion is invalid.

I45-02

Further, in Section 3.5.2, the statement that heavy traffic noise significantly reduces the chance that cranes would use this site (Twin Cities, Galt) for Wintering habitat is made to support the idea that there would be little effect on cranes. But if excessive traffic precludes this from being good Sandhill Crane habitat, then the significantly increased traffic on Twin Cities Road caused by proposals A, B and possibly C, would definitely interfere with cranes using their known current Winter feeding habitat in fields and Preserve Wetlands adjoining the road.

The biological evidence presented in the EIS is inadequate to support the conclusion that there would be little impact on migratory birds.

I45-03

Comment Letter I45 cont.

I also have concerns about the amount of water that Proposal A and probably Proposal B would use and how this would affect the Cosumnes River Preserve and the Galt Area. During recent years of drought, Galt needed to have strict water rationing. The Preserve needed to find additional sources of water to flood fields and create habitat for thousands of Wintering birds. During those drought years, the Preserve was one of the few areas able to provide wetland habitat for these birds. Significant water use by the Casino Proposals as noted in the EIS has the potential to reduce the available water even further in years of drought and make it harder to recharge underground water.

I45-04

Anything that diminishes the value of the land around the Cosumnes River Preserve as Wintering habitat for migratory birds would be a huge loss and potentially damaging to already marginal bird populations. It would also be a huge loss to the hundreds of people who visit the Preserve on weekends when Wintering birds are present, and to school children who visit on educational field trips.

I45-05

The BIA can choose alternative sites for the Wilton Rancherias Casino Project. But the Cosumnes Preserve is already here and the wildlife it serves depends on this habitat.

Sincerely,
Gordon Weiss
CRP Volunteer
Walnut Creek, CA

Comment Letter I46

From: pdlomax@yahoo.com

Date: 2/27/2016 12:11 PM (GMT-08:00)

To: john.rvdzik@bia.gov

Subject: Proposed Casino in Sacramento County

Casinos were a good idea in the beginning and have provided stability for Native American communities. Please do not place this casino in the last peaceful place in Elk Grove.

Native Americans can find another means of providing income for the community. Casinos are not helping Native American tribes, in fact the monthly income native Americans receive, is making it possible for young people in high school to become weak and lack creativity because they know and brag that they will have an income if they work or not. Is this what you want for the future.

Why not build a training center, or law school, or college or something for the community to grow.

Sincerely,

Pam Lomax

Sent from Windows Ma

I46-01

Comment Letter I47

From: Glenn <glennlomax@comcast.net>
Date: 2/27/2016 4:18 PM (GMT-08:00)
To: john.rydzik@bia.gov
Subject: Prospect of Elk Grove Casino.

Hi John,

The greatest consideration to most people is the revenue. We need an example of how the introduction into a strongly republican, moderately democratic, Christian and spiritual, multicultural community was not devastated, but grow. Otherwise I'm against building a casino.

The current proposed locations are really bad there would probably be a lot of people land taken by public domain take overs.

Please consider on the far west side near highway 5.

The other alternative is all that can move will. The infrastructure is weak at best. The constant trains that come by may be an obstetrical.

All the farms, elk, coyote are gone. Hawks and the other birds are holding on for life.

Thank you for taking time to consider this issues.

Glenn Lomax, Resident of Elk Grove

916-479-1351

I47-01

Comment Letter I48

From: Belinda Kral <kralb@frontier.com>
Date: 2/27/2016 8:14 PM (GMT-08:00)
To: john.rydzik@bia.gov
Subject: Indian Casino

My husband and I are opposed to ANY casino.
For personal reasons is knowing people who have gambling addiction.
Taking money from trust fund that was not for their personal use.
No money or not enough to pay their bills, they used it for gambling instead.
Creates not telling the truth to family, relatives, and friends where they are going.
Taking all or part of their check to gamble.
Draws other people into their bad addiction decision.
Amazing how on Dr. Phil they just had a episode, Friday, February 26, 2016 on gambling addiction.

I48-01

If you want to check it out, it is Episode 2478.
(My Newlywed Husband Lost Our Business Gambling). Original air date 02-26-2016.
As for the 28-acre site located in the City of Elk Grove, just north of the approved outlet mall site at the northwest portion of the intersection of Grant Line Rd. and SR-99, this would be a HORRIBLE place for a casino.

I48-02

With the mall and lots of new houses and more coming, this would create a incredible amount of traffic, plus noise pollution. If a outdoor concert goes in the noise will be bad, it would carry far from the site.

Would you like to live next to it? Who would ever think some like. Casino would come to Elk Grove when we moved here.

A 12-story hotel, nothing like taking the beauty out of Elk Grove.

I48-03

With a casino this would take the busy working police officers time away from other things going on. They will now have more to enforce about under age drinking, are they casino age appropriate, more safety problems.

I48-04

The casino being close will introduce people to gambling that would not have.

Having a casino can hurt, marriage, family, and those who do not have control.

This is our concern on casinos.

Jack and Belinda Kral

Sent from my iPhone

Comment Letter I48 cont.

From: Belinda Kral <kralb@frontier.com>
Date: 2/27/2016 8:41 PM (GMT-08:00)
To: john.rydzik@bia.gov
Subject: Correction on Indian Casino

Sentences that reads:

Who would ever think some like.

Casino would come to Elk Grove when we moved here.

Correction:

Who would ever think that a casino would come to Elk Grove when we moved here.

Sent from my iPhone

Comment Letter I49

From: Margot L <margot.lizardo@gmail.com>
Date: 2/28/2016 8:37 AM (GMT-08:00)
To: john.rydzik@bia.gov
Subject: Casino

My husband and I would support a Casino in The Elk Grove area. We are Baby Boomers and think it would bring jobs and **FUN** to Elk Grove. The other casinos within 100 miles are just too far. We might go once a year. If there was a closer location we would go at least once or twice a month. The food and entertainment menu a plus.

Count 2 votes

Fred Lizardo
Margot Lizardo

***** I just hope it does not go on like the mall. I would love to see it completed before I die :)

I49-01

From: **Deanna Asuncion** <dfasuncion@hotmail.com>
Date: Sun, Feb 28, 2016 at 8:18 PM
Subject: Wilton Rancheria: Draft EIS: Comments
To: john.rydzik@bia.gov

Mr. Rydzik,

I am submitting my comments on the Draft EIS proposal to build a casino in Elk Grove around Promenade Parkway. My family strongly opposes the building of a casino in Elk Grove for the following reasons:

1) Although we enjoy gambling once in a while, we have no desire to live near a casino. Our home is less than 2 miles from the proposed casino site. This is only a 5 minute drive by car. When purchasing our new home less than a year ago, there was no prior notice or warning that a casino may be built "just down the street". We are concerned that a casino will bring an increase in crime and traffic in the surrounding area. At the same time, a casino will decrease the property values of surrounding homes as well as the sense of security in the community. In fact, the casino could be considered a public nuisance, given its very close proximity to homes and schools.

I50-01

I50-02

2) The proposed casino site is approximately 2 miles from an existing junior high school and high school. This is only a 5 minute drive by car. Additionally, there are proposed elementary school sites in the Laguna Ridge Specific Plan which will be even closer to the casino. Building a casino in such close proximity to primary and secondary schools is never a good idea. The casino would strongly tempt the secondary school students to skip school in order to gamble and drink in the hopes of not getting caught as being underaged.

I50-03

3) Elk Grove has always prided itself as a family oriented city. A casino would irrevocably shatter this image. Families will no longer want to live in Elk Grove.

In conclusion, a casino is not a good fit for the city of Elk Grove, especially at the currently proposed location. Thank you for considering my comments.

From: **Tim Raboy** <ny1988@att.net>
Date: Sun, Feb 28, 2016 at 10:50 PM
Subject: DEIS Comments, Wilton Rancheria Casino Project
To: "john.rvdzik@bia.gov" <john.rvdzik@bia.gov>

DEIS Comments, Wilton Rancheria Casino Project

Ms. Amy Dutschke
Pacific Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Mr. John Rydzik
Chief
Division of Environmental, Cultural
Resource Management and Safety
Bureau of Indian Affairs
john.rydzik@bia.gov

February 28, 2016

Dear Ms. Dutschke or Mr. Rydzik

This letter is in response to the Draft Environmental Impact Statement (DEIS) for the proposed Wilton Rancheria Fee-to-Trust and Casino Project (Casino Project). I will list out the many issues that I have discovered after reviewing the DEIS.

Approximately twenty years ago, the City of Galt decided to build the C Street interchange instead of the Walnut interchange. Dozens of homeowners in Galt paid a portion of their home purchase price to create a fund to build the Walnut interchange. I believe hundreds of thousands of dollars were placed in this fund before the decision was made by the Galt City Council to return the funds and cancel the proposed Walnut interchange. This decision was made because Caltrans refused to approve the proposed C Street, Walnut and Twin Cities Road interchanges. Caltrans stated the proposed interchanges were too close to each other (The C street interchange is approximately **1.8** miles away from Walnut Road, and Walnut Road is approximately **0.8** miles away from the proposed Twin Cities Road interchange) and the City of Galt had to choose between the C Street, Walnut or the Twin Cities interchange. The City made the right decision and chose to build the C Street interchange.

I51-01

Now we have the same problem. We have the proposed Twin Cities interchange versus a much inferior option: the Mingo Road interchange. The Twin Cities interchange is a long term project for the City of Galt. It is imperative that this interchange gets built over the next twenty years, as Twin Cities Road is becoming a major commercial corridor for the City of Galt. The Mingo Road interchange is a requirement in this DEIS for the Casino Project. Without it, this project would inundate this city with traffic gridlock. The problem that the City of Galt faces is that Mingo Road is only **0.8** miles from Twin Cities Road. The proposed interchanges are too close together. This is exactly the same problem we had twenty years ago between C Street, Walnut Road and Twin Cities Road. The Twin Cities interchange must be built in the future and this conflict cannot be decided in favor of the Casino Project. This decision would negatively affect the City of Galt and its citizens. Our Twin Cities interchange is a priority over the Casino Project Mingo Road interchange; however, none of these extremely important issues have been addressed in the DEIS.

I51-01
(cont.)

There are currently 676 WR tribal members. The average elementary school in Galt has more than 700 children. 40% of tribal members are under the age of 18. 14% of tribal members are older than the age of 55. 62% of tribal members live below the poverty line. The tribe's current 1.7 million dollar funding level is derived almost completely from government sources. California's current population is 38.7 million, and the percentage of Californians that live below or at the poverty level is approximately 21%. As the numbers show, the poverty level for all Californians is lower than the poverty level for WRCP tribe members. The question that must be asked: Why does the well-being of 676 tribal members take precedence over all of the California citizens that live at or below the poverty level? We are talking about 8,127,000 California citizens that live in poverty vs 419 tribal members that live in poverty. Does the federal government need to help the WRCP tribe to the detriment of the citizens of Galt? Does the simple fact of your Indian Heritage make you deserving of this inequality. Is that fair to the rest of society? This has not been addressed in the DEIS. (See printouts from Public Policy Institute of California.)

I51-02

The DEIS discusses two options regarding addressing sewage. The Casino Project could build their own sewage plant, which will cost millions of dollars, or they could connect to the City of Galt's plant. Citizens have fought over Galt's sewage plant for over twenty years. These citizens'

I51-03

Comment Letter I51 cont.

sweat and tears have enabled Galt to upgrade its plant. The citizens of Galt have paid millions of dollars in fees to make this a reality. The tribe should not be able to just come in and connect their pipes. All future connections should be reserved for the future growth of Galt, not the future growth of the tribe. I did not see this specific cost issue addressed in the DEIS.

I51-03
(cont.)

The same issue applies to the City of Galt water system. The tribe could drill their own wells and treat their own water, or connect to Galt's system and use its water. As every citizen is aware, Galt is planning to significantly raise water fees for the citizens of Galt. The water meter plan has created these problems, and letting the Casino Project connect into Galt's water system could make this problem worse. The tribe needs to resolve its own water issues. I did not see this specific issue addressed by the DEIS. The DEIS should clarify all of these specific cost issues and deal with the current water meter crisis.

I51-04

Alternative A, B, and C pose significant environmental effects to wildlife. In addition, the conversion of agricultural land to urban will be permanent. The northern portion of the Twin Cities site is located in the 100 year floodplain. Galt's Swainson Hawk Preserve, operated by the City of Galt, lies immediately adjacent to the western edge of the project site. Wildlands Twin Cities Wetlands Preserve, operated by Wildlands, Inc., lies adjacent to the northwestern edge of the site. A casino which experiences heavy traffic will doubtlessly have a negative impact on these wildlife refuges. The Twin Cities site contains 12 acres of prime farmland at the north end of the site adjacent to Laguna Creek. The Twin Cities site contains 80 acres of farmland of statewide importance. The Twin Cities site contains 167 acres of farmland of local importance. This important California farmland should not be destroyed for a casino/hotel complex. The farmland greenbelt discussed for this area over the last twenty years will be gone forever. These issues are significant enough that these three proposals should not be approved.

I51-05

I51-06

Mustang Airport is located too close to the proposed site. It is only 1.9 miles northeast of the Twin Cities site. An airplane accident such as a plane hitting the casino or the extremely large and out of place hotel would be devastating. The 12 story hotel is too large and would be dangerous to the airport during foggy days. This has not been addressed in the DEIS.

I51-07

Comment Letter I51 cont.

Galt's wastewater treatment plant is too close to the proposed Casino Project site. It is only 0.3 miles west of the Twin Cities site. If there was ever a disaster at the plant, the smell would be devastating to the casino/hotel complex. This was the same reason why the Del Webb senior project proposed at this site was also a mistake.

I51-08

Alternative C will have significant impacts on the City of Galt food/grocery retail businesses. Alternative C adds 686,000 feet of retail development such as a super grocery store, membership warehouse, home improvement store, restaurants and a gas station. Alternative C is a disaster for the City of Galt. Alternative C could doom Galt's two major grocery stores, Raley's and Savemart, and force Galt's new Walmart to go out of business. How many cities throughout the United States have witnessed Walmart close a store in one city and open up another store within a mile or two of the original one? The membership warehouse, home improvement store and gas station will steal more business away from the City. All of the sales by these businesses would be tax free thus incentivizing citizens to shop out of town. Alternative C could literally bankrupt the City of Galt. The DEIS has done a very poor job of addressing these issues. Alternative C could result in a significantly higher revenue loss than projected in the DEIS.

I51-09

Alternative A and B would also result in loss of revenue to the City. Specifically, Alternative A's hotel could lead to the closure of Galt's newest hotel, Comfort Inn and Suites. The City of Galt could see a significant reduction in hotel occupancy fees for the City of Galt.

I51-10

Any money spent at the casino/hotel complex is money lost forever to the City of Galt. I disagree with the spillover effect of people spending lots of money in Galt when they visit the casino. Most people that visit Thunder Valley or Red Hawk casino only go to the casino/restaurant and then they go straight home. The same would apply to the busloads of seniors that visit casinos and then go directly home. Alternative A and B is a money loser for Galt.

I51-11

The casino/hotel complex will cause crime to increase in the City of Galt. The social and community effects will be serious and long lasting. The tribe is offering to create a special fund and contribute \$50,000 per year to address the issue of problem gamblers. This is a joke. A so called problem gambler could lose \$50,000 in a day at this casino. Galt citizens who

I51-12

I51-13

Comment Letter I51 cont.

become problem gamblers will lose their life savings which will result in bankruptcies, broken marriages, alcoholism, drug abuse, foreclosed homes and vehicles, lost retirements, lost jobs, vehicle and home break-ins, etc. This offering of \$50,000 will not offset the terrible effects it will have on the City of Galt.

I51-13
(cont.)

Alternative A, B and C will create significant and unbearable traffic issues for Galt's roadways, especially the Twin Cities Road area. Twin Cities Road will become an F rated traffic road. This is the worst rating possible. These traffic problems cannot be resolved because the proposed Twin Cities interchange will not be built for it will be too close to the Mingo Road interchange and its casino. Traffic in Galt will be horrendous. Think of highway 99 or Bay area traffic during rush hour.

I51-14

The casino/hotel complex will have a negative effect on home prices in the City of Galt. The National Association of Realtors (NAR Report 2013) has a section titled "The impact of a casino on home prices in the vicinity of the casino is generally negative". This issue has not been properly addressed in the DEIS.

I51-15

The WR tribe keeps telling the public that this project will create thousands of jobs. Unfortunately, they are not telling the public that these jobs will mostly be low paying minimum wage service industry jobs, such as casino slot operators, table game operators, entertainment operations, casino credit, hotel facilities, housekeeping services, food and beverage operations, restaurant services, culinary services, casino services, support services, security services, and hotel services.

I51-16

The Galt Chamber of Commerce has publicly announced their support for this project. The Galt Chamber of Commerce is the most pro development organization that I have ever dealt with. In the last twenty years every poorly planned project proposed for Galt or the outskirts of Galt has been supported by the GCC. They should be supporting current businesses in the Galt area not pie in the sky developments that do not benefit the citizens or businesses in Galt. The GCC executive leadership is primarily real estate salespeople. The approval of this project would personally benefit these salespeople. Three of the six 2015 Board of Directors for the GCC are involved in the real estate business. This is the same GCC that was fined \$39,000 by the Fair Political Practices Commission because they were involved in a money laundering scheme with real estate developers.

The GCC support of this project is another reason why it should not be approved. See attached article from the Galt Herald titled **“Chamber ordered to pay \$39,000 in FPPC fines”** dated June 7, 2008.

Additional negative impacts are discussed in the following article titled **“A Good Way to Wreck a Local Economy: Build Casinos”** from The Atlantic dated August 7, 2014. Some of the negative impacts discussed in the article are: Yet the truly bad news about casinos is not found in the tax receipts. It's found in the casinos' economic and social impact on the towns that welcome them. No one should look to casinos to revive cities, because that's not what casinos do. The impact of casinos on neighboring property values is unambiguously negative. Casinos don't encourage non-gaming businesses to open nearby, because the people who most often visit casinos do not wander out to visit other shops and businesses. A casino is not like a movie theater or a sports stadium, offering a time-limited amusement. It is designed to be an all-absorbing environment that does not release its customers until they have exhausted their money. People who live close to a casino are twice as likely to become problem gamblers as people who live more than 10 miles away. As casinos have become more prevalent, so has problem gambling: in some states, the evidence suggests a tripling or even quadrupling of the number of problem gamblers. A range of studies reviewed by Institute for American Values estimated that between 40 to 60 percent of casino revenues are earned from problem gamblers. Half of casino visitors are over age 50, but casinos market themselves to the over 70 and even over 80 market, to whom gambling offers an escape from boredom and loneliness into a hypnotic zone of rapid-fire electronic stimuli. As casino expansion reaches its limits, the towns and cities that turned to gambling to escape their problems may discover that they have accepted a sucker's bet: local economies that look worse than ever, local residents tempted into new forms of self-destructive behavior, and a dwindling flow of cash to show for it all. Kindly address all the negative impacts discussed in the article in your DEIS.

I51-17

Additional negative impacts are discussed in the following article titled **“Casinos bring jobs, but also crime, bankruptcy, and even suicide”** from The Washington Post dated October 30, 2012. Some of the negative impacts discussed in the article are: But economic research concerning casinos suggest that members of communities with casinos should be wary. But the casinos also lead to a plethora of social ills, including increased substance abuse, mental illness and suicide, violent crime, auto

I51-18

theft and larceny, and bankruptcy. The latter three all increased by 10 percent in communities that allowed gambling. Unsurprisingly, legalized gambling also exacerbates problems with gambling addictions. The National Gambling Impact Study Commission found that having a casino within 50 miles doubles one's likelihood to become a problem gambler. Casinos aren't even a particularly good source of tax revenue. Kearney notes that a number of studies have found that Indian casinos cannibalize business at nearby restaurants and bars, and in so doing actually reduce state tax revenue. Kindly address all the negative impacts discussed in the article in your DEIS.

I51-18
(cont.)

Additional negative impacts are discussed in the following document from the National Association of Realtors Casino Research titled "**Economic Impact of Casinos on Home Prices**" dated June 20, 2013. Some of the negative impacts discussed in the document are: Casinos are likely to have negative impacts on nearby home values. Casinos generate jobs, but many of the jobs created by the introduction of a casino are reported to be minimal wage/low paying opportunities, with a few experienced gaming professionals filling the management positions. Major social costs are frequently mentioned as associated with casinos —e.g., increased bankruptcies, crime, traffic, and congestion among others. The impact on home values appears to be unambiguously negative. Based on FBI statistics, for an average county with 100,000 population size, introduction of a casino implies 615 more larcenies, 325 more burglaries, 272 more auto thefts, 10 more rapes, 65 more robberies, and 100 more aggravated assaults. Kindly address all the negative impacts discussed in the document in your DEIS.

I51-19

This project will create a city within a city. Project proponents and their Las Vegas based Boyd Gaming Corporation (would develop the casino and receive a share of the revenue and profit from operation) want to build a casino, hotel, water treatment plant, wastewater treatment plan, Mingo freeway overpass, retail shops, etc. The Casino Project wants to capture and forever acquire 282 acres of farmland but the proposed project is currently proposed to only use 76 acres. No one knows what will happen with the other land and nothing can stop the WRCP from creating future detrimental projects with this land. The unknowns are too dangerous with this proposal. We are going to build all this for what? What benefit to Galt does all of this offer? What benefit to Sacramento County? Everyone involved in this project needs to reassess what they are proposing here.

I51-20

Comment Letter I51 cont.

Once you reassess and really consider this, you realize that this Casino Project will do nothing to improve Galt or the surrounding community.

If you have any questions, I can be reached at 916-494-4908.

Sincerely

Tim Raboy

Just the **FACTS**

Poverty in California

Despite strong economic growth, the official poverty rate remains high.

According to official poverty statistics, 16.4% of Californians lacked enough resources—about \$24,000 per year for a family of four—to meet basic needs in 2014. The rate has declined a little from 16.8% in 2013, but it is well above the recent low of 12.4% reached in 2007. Moreover, the official poverty line does not account for California's housing costs—or other key family needs and resources.

When family resources and needs are more fully accounted for, poverty in California is even higher.

The California Poverty Measure (CPM), a joint research effort by PPIC and the Stanford Center on Poverty and Inequality, is a more comprehensive approach to gauging poverty in California. It accounts for the cost of living and a range of family resources—including social safety net benefits—and needs. We find that in 2013, 21.0% of Californians were living in poverty—a slightly smaller share than in 2011 and 2012. Poverty was highest among children (23.9%) and lower among older adults (19.1%) and adults age 18–64 (20.3%).

Overall, about 4 in 10 California residents are living in or near poverty.

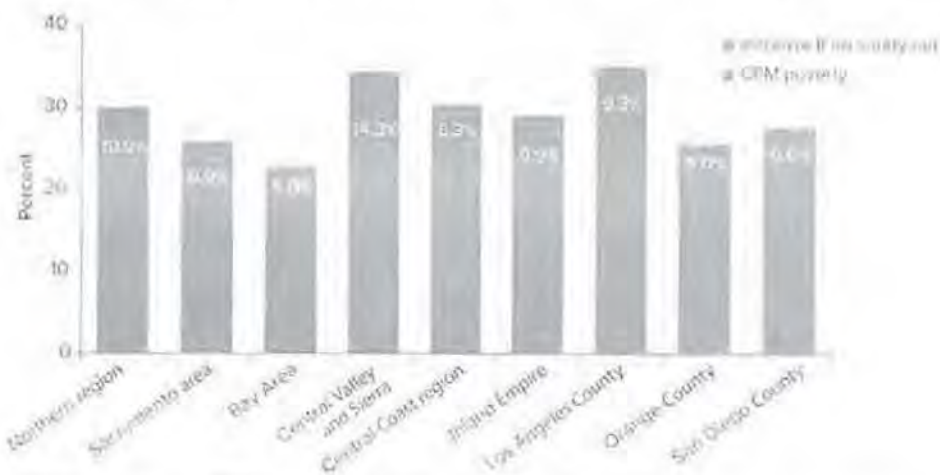
About one in five (19.8%) Californians were not in poverty but lived fairly close to the poverty line. All told, 40.8% of state residents were poor or near poor in 2013. But the share of Californians in families with less than half the resources needed to meet basic needs was 5.9%, a deep poverty rate that is smaller than official poverty statistics indicate.

Without social safety net programs, more Californians would live in poverty.

The largest social safety net and low-income tax programs—CalFresh (California's food stamp program), CalWORKs (cash assistance for families with children), the federal Earned Income Tax Credit (EITC) and Child Tax Credit (CTC), Supplemental Security Income (SSI/SSP), federal housing subsidies, the Supplemental Nutrition Program for Women, Infants, and Children (WIC), and free or low-cost school meals—together kept an estimated 8.4% of Californians out of poverty in 2013. CalFresh lowered the poverty rate most, by 2.4 percentage points, followed by the EITC (2.3 percentage points). CalWORKs, SSI/SSP, CTC, and housing subsidies each lowered the rate 1.1 to 1.3 points. These differing effects reflect program scale and scope, as well as participation rates among eligible families. In some cases, program effects are not additive but overlapping.

Comment Letter I51 cont.

Poverty is high but would be even higher without the social safety net



SOURCE: Estimates from the 2013 California Poverty Measure.

NOTE: "No safety net" bars show the estimated increment to the poverty rate if resources from safety net programs are not counted. Northern counties: Butte, Colusa, Del Norte, Glenn, Humboldt, Lake, Lassen, Mendocino, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity. Sacramento area counties: El Dorado, Placer, Sacramento, Sutter, Yolo, and Yuba Counties. Bay Area counties: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma. Central Valley counties: Alpine, Amador, Calaveras, Fresno, Inyo, Kern, Kings, Madera, Merced, Monterey, Merced, Mono, San Joaquin, Stanislaus, Tulare, and Tuolumne. Central Coast counties: Monterey, San Benito, San Luis Obispo, Santa Barbara, and Ventura Counties. Inland Empire counties: Imperial, Riverside, and San Bernardino.

Poverty rates and the effect of safety net programs vary by county and region.

From 2011 to 2013, Los Angeles County had the highest poverty rate in California: 25.7% of the county's residents were poor. Rates in Santa Barbara (24.1%) and Monterey/San Benito Counties (combined, 24.0%), were also among the highest. Placer and El Dorado Counties had the lowest rates at 13.3% and 14.0%, respectively. In 2013, safety net programs cut poverty 14.3 percentage points in the Central Valley and Sierra region, but just 5.0 percentage points in the Bay Area and in Orange County.

Poverty rates vary widely across California's counties

County	Poverty rate	County	Poverty rate	County	Poverty rate
Alameda	17.8	Madera	21.1	San Mateo	17.0
Alpine, Amador, Calaveras, Inyo, Mariposa, Mono, Tuolumne	16.5	Mendocino	15.6	Santa Barbara	24.1
Butte	21.6	Merced	21.4	Santa Clara	18.0
Colusa, Glenn, Tehama, Trinity	15.9	Monterey, San Benito	24.0	Santa Cruz	21.8
Contra Costa	15.9	Napa	18.1	Shasta	19.0
Del Norte, Lassen, Modoc, Siskiyou, Plumas, Nevada, Sierra	15.3	Orange	21.8	Sutter	16.9
El Dorado	14.0	Placer	13.3	Sonoma	17.2
Fresno	21.2	Riverside	20.1	Stanislaus	21.5
Humboldt	19.7	Sacramento	18.2	Sutter, Yuba	16.8
Imperial	17.3	San Bernardino	19.4	Tulare	22.1
Kern	18.2	San Diego	21.5	Ventura	19.6
Kings	17.7	San Francisco	22.6	Yolo	21.4
Lake, Mendocino	22.8	San Joaquin	18.3		
Los Angeles	25.7	San Luis Obispo	19.1		

SOURCE: Estimates from the 2011–2013 CPM combined.

NOTE: For some counties, poverty rates cannot be calculated individually. Those counties are grouped. All estimates are subject to uncertainty due to sampling variability. The uncertainty is greater for less populous counties and county groups (because of smaller survey sample sizes). For more information, see our data page.

Minorities and less-educated Californians have higher poverty rates.

Latinos (29.6%) and African Americans (21.7%) had much higher poverty rates than whites (14.1%)

Comment Letter I51 cont.

in 2013. Asians (17.2%) fell in between. More education is generally associated with lower poverty rates: the rate for adults age 25–64 with college degrees was 8.5%, compared with 38.2% for those without high school diplomas.

Most poor families in California are working.

In 2013, 78% of poor Californians lived in families with at least one adult working, excluding families made up only of adults age 65 and older. For 53.8% of those in poverty, at least one family member reported working full time. For another 24.2%, at least one adult was working part time.

Sources: All estimates are based on the California Poverty Measure (CPM) unless otherwise noted. Official poverty statistics are based on the American Community Survey. For more about the CPM see Bohn et al., *The California Poverty Measure* (PPIC, 2013) and Wimer, Mattingly, Kimberlin, Danielson, and Bohn, *California Poverty Measure*.

RELATED CONTENT

Just the Facts: Child Poverty in California

Data Set: California Poverty by County

Interactive Map: California Poverty Rates by County

Saturday's Internet Edition, June 07, 2008.

Chamber ordered to pay \$39,000 in FPPC fines

Nine counts of campaign finance reporting violations found

By Rachael Ackerman

Herald Editor - It looks like the Galt District Chamber of Commerce may have to pay a heavy price today for its decision to become a cog in the Galt political machine six years ago.

The Chamber is being held responsible for \$39,000 in Fair Political Practices Commission fines wracked up for campaign finance reporting violations by two committees under the Chamber umbrella, Businesses United for Good Government, and the Galt Economic Development Task Force, and one former Chamber executive director, Rex Albright.

Albright, who served as the treasurer of both committees at the time of the violations, BUGG, and EDTF have been named as the responsible parties in an FPPC finding that the three committed nine separate counts of violating state campaign finance reporting laws related to the 2002 campaign.

Initiated by a complaint received by the FPPC in February of 2004, FPPC documents show that a subsequent investigation by the FPPC Enforcement Division revealed that BUGG and the EDTF, "through their common agent, Rex Albright, engaged in a series of disclosure violations of the Political Reform Act that effectively concealed the original source of contributions used to fund a successful effort to defeat a local initiative measure presented on the November 5, 2002 ballot."

A report in support of a finding of probable cause was served to the Chamber on October 23, 2007.

Negotiations between the chamber, Albright and the FPPC have been on going since that time.

Details of the violations were posted on the FPPC website Tuesday morning in a stipulation, decision and order, and while an agreement with regard to the charges and related fines has been reached between all parties, the issue will not officially be settled until the next regular meeting of the FPPC scheduled for June 12.

At that time, the FPPC will hear the case and any public comment on the issue before signing off on the agreement.

Centered on the hotly contested Measure R, that proposed an annual residential growth cap for Galt, and the 2002 Galt City Council race, the FPPC received a complaint of more than 500 pages detailing alleged

campaign finance violations from as small as occupations left off of contributor information, to failure to file contributions and expenditures on time, in a legal fashion.

According to government code, any contribution, or expenditure that exceeds \$1,000 must be reported within 24-hours, in order to meet the intent of the Political Reform Act. "An express purpose of the Act is to ensure that receipts and expenditures in election campaigns are fully and truthfully disclosed, so that voters may be fully informed, and improper practices may be inhibited."

According to the stipulated decision, regarding counts one through five of the complaint, the order states that Albright and the Economic Development Task Force, "stipulate and agree that they violated the Political Reform Act by failing to disclose late contributions in properly filed late contribution reports." Counts one through three revolve around late contributions received from local developers, the Emerald Park Company, Elliot Homes, and the BIA totaling over \$15,000 during the filing period between Oct. 20 and Nov. 7, 2002 that were not reported within the legally required 24-hour time period for late contributions.

Counts five and six charge that Albright, as treasurer of the EDTF made late contributions from EDTF funds to fellow chamber committee Businesses United for Good Government during the same reporting time period totaling over \$6,000 and failed to report them within the 24-hours time limit legally allowed. The report also states that Albright and the Economic Development Task Force agree to the imposition of FPPC fines totaling \$23,000 for these violations.

On the flip side, the FPPC has fined Businesses United for Good Government, and Rex Albright, for receiving the late contributions from EDTF in counts six and seven of the order, and for receiving a late contribution of \$1,000 from the Galt District Chamber of Commerce, and not reporting receipt of that contribution in the 24-hour mandated time period, in count eight.

Additionally, count nine of the order charges that BUGG, and Albright, made a late contribution to the committee against Measure R – No on R, and failed to report it in a legal fashion.

The fines assessed, and agreed upon by Albright and Businesses United for Good Government total \$16,000 for the additional violations.

At a grand total of \$39,000, the chamber and Albright have already stipulated to a settlement, and according to FPPC documents, submitted a check for the full amount to the FPPC.

Legally, Albright as the treasurer of both BUGG and EDTF at the time of the violations, "may be held jointly liable, along with the committee, for any reporting violations committed by the committee."

Albright could not be reached for comment at the time of press.

In determining the amount of fines to be imposed, the FPPC stated the Enforcement Division found, "the facts of this case show a pattern of violations that, taken as a whole, effectively concealed the origin of contributions used to fund a successful effort to defeat a local initiative."

As a result of what they determined was a pattern of reporting abuses, the FPPC concluded, "The totality of the circumstances warrants the imposition of administrative penalties at or near the maximum available penalty for the majority of the violations."

At the center of the controversy nearly six years ago, Galt City Councilman Tim Raboy, who proposed

Measure R, said on Tuesday he was glad to see the FPPC find in favor of the law with regard to campaign contributions and expenditure reporting.

"It's nice to see the groups involved in the 2002 election fraud are finally going to pay for their criminal activities," said Raboy. "During the 2002 election the Chamber of Commerce laundered developer money to various campaign committees, set up by the Chamber of Commerce, in order to steal the election from the citizens of Galt."

In the Chamber corner, Brian T. Hildreth, attorney for the chamber, was careful to point out that not only has the Chamber proper, not been charged or found guilty of anything, but that those individuals and committees that were the source of the administrative errors are no longer employed, or in existence as chamber committees.

"The events that led to the FPPC's investigation occurred more than five and a half years ago," said Hildreth. "The individual associated with the named committees, and the 2002 campaign, is no longer affiliated with the chamber, and left the chamber five years ago."

Hildreth went on to say, "It is important to note that the FPPC did not find fault with the chamber itself – the chamber was not named a party in the FPPC investigation. Neither of the committees named in the FPPC complaint are presently involved in political action."

Chamber Second Vice Chair LeeAnn McFaddin confirmed that BUGG has been dissolved.

"It was dissolved as of late April," said McFaddin. "The FPPC did not ask us to do that. We did that to show complete good faith to the FPPC."

For Raboy, the FPPC finding may only be the beginning down a trail to justice he says he has been on since 2002.

"The chamber of commerce defeated the slow growth Measure R and three slow growth candidates with their illegal and criminal activities and their non-reporting of their campaign contributions from developers," said Raboy. "This in turn helped elect three pro-growth council members, Randy Shelton, Tom Malson, and Darryl Clare. All three of these candidates were elected with the help of the chamber of commerce because of tainted, laundered developer money. Now it's time for the people involved to be criminally prosecuted and sent to jail for their crimes."

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The Atlantic

A Good Way to Wreck a Local Economy: Build Casinos

No one should look to the gambling industry to revive cities, "because that's not what casinos do."



Steve Marcus/Reuters

DAVID FRUM

AUG 7, 2014 | BUSINESS

TEXT SIZE



Baltimore is a troubled city, as you know from *The Wire*. Like many troubled cities, Baltimore has turned to casino gambling as its solution. On August 26, a new Caesar's casino will open on the site of an old chemical factory, a little more than 2 miles from the famous Inner Harbor and Camden Yards baseball stadium. Yet there's already reason to expect

Comment Letter I51 cont.

the casino to disappoint everyone involved: the city looking for tax revenues, the workers hoping for jobs, the investors expecting hefty returns.

Outside of Las Vegas—now home to only 20 percent of the nation's casino industry—casino gambling has evolved into a downscale business.

Affluent and educated people visit casinos less often than poorer people do for the same reasons that they smoke less and drink less and weigh less.

Unfortunately for the casino industry's growth hopes, downscale America has less money to spend today than it did before 2007. Nor is downscale America sharing much in the post-2009 recovery. From a news report on the troubles of a recently opened Ohio casino:

Ameet Patel, general manager of the property, says the softness in casino revenue that he and other operators have seen has been driven by a key demographic: women older than 50 who used to bet \$50 to \$75 per visit. The weak recovery has squeezed their gambling budgets, and their trips to casinos are fewer, he says.

What's true in Ohio applies nationwide. Casino revenues had still not recovered their 2007 peaks as of the spring of 2014, when again they went into reverse in most jurisdictions. Moody's now projects that casino revenues will drop through the rest of 2014 and all of 2015, slicing industry earnings by as much as 7.5 percent.

Weaker earnings are being divided among ever multiplying numbers of casinos. Baltimore's casino will be the fourth to open in Maryland, with a

Comment Letter I51 cont.

fifth soon to rise down the Potomac from Washington, DC. Maryland's casinos compete with a clutch of new casinos in Philadelphia and Delaware.

Why so much building? Cities are authorizing more casinos for exactly the same reason that the existing casinos are losing business: the weak national economy. Casinos promise a new and easy flow of revenues to hard pressed local governments.

The promise however comes increasingly hedged with fine print.

The casino market is nearing saturation, if it is not already saturated. Two casinos have closed in Mississippi this year. Four have closed or will soon close in Atlantic City, including the glitziest hotel on the boardwalk, Revel.

Despite its gambling industry, Atlantic City still has trouble sustaining even a single grocery store.

Casinos that do stay in business yield less to their towns and states. Revenues from Maryland's first casino, in Perryville, at the northern tip of Chesapeake Bay, have already dropped 30 percent from their peak in 2008, and are expected to decline even more rapidly in future as competitors proliferate.

Yet the truly bad news about casinos is not found in the tax receipts. It's found in the casinos' economic and social impact on the towns that welcome them.

Until the late 1970s, no state except Nevada permitted casino gambling. Then Atlantic City persuaded its state legislature to allow casinos, in hope

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of reviving the prosperity of the battered resort town. Hotels sprung up along the seafront. Thousands of people were hired. And the rest of Atlantic City ... saw no benefits at all. All these years later, it still has desperate trouble sustaining even a single grocery store.

No one should look to casinos to revive cities, “because that’s not what casinos do.” So explained the project manager for a new Wynn casino rising near Philadelphia. He’s right, but it has taken a surprisingly long time for city governments to acknowledge a fact that was well understood by the 19th-century Americans who suppressed gambling in the decades after the Civil War.

The impact of casinos on neighboring property values is “unambiguously negative,” according to the economists at the National Association of Realtors. Casinos don’t encourage non-gaming businesses to open nearby, because the people who most often visit casinos do not wander out to visit other shops and businesses. A casino is not like a movie theater or a sports stadium, offering a time-limited amusement. It is designed to be an all-absorbing environment that does not release its customers until they have exhausted their money.

The Institute for American Values has gathered the best evidence on the social consequences of casinos. That evidence should worry any responsible city government.

People who live close to a casino are twice as likely to become problem gamblers as people who live more than 10 miles away. As casinos have become more prevalent, so has problem gambling: in some states, the evidence suggests a tripling or even quadrupling of the number of problem gamblers.

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While the gaming industry argues that the total number of problem gamblers remains small, that small minority is crucial to the industry's profits: One Canadian study found that the 75 percent of casino customers who gamble most casually provide only 4 percent of casino revenues. A range of studies reviewed by IAV estimated that between 40 to 60 percent of casino revenues are earned from problem gamblers. And as Amy Zietlow observed in an important study commissioned by IAV, those problem gamblers increasingly are drawn from the ranks of the vulnerable elderly. Half of casino visitors are over age 50, but casinos market themselves to the over 70 and even over 80 market, to whom gambling offers an escape from boredom and loneliness into a hypnotic zone of rapid-fire electronic stimuli.

As casino expansion reaches its limits, the towns and cities that turned to gambling to escape *their* problems may discover that they have accepted a sucker's bet: local economies that look worse than ever, local residents tempted into new forms of self-destructive behavior, and a dwindling flow of cash to show for it all.

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Studies: Casinos bring jobs, but also crime, bankruptcy, and even suicide

By Dylan Matthews October 30, 2012

While the presidential race is taking up much of the oxygen this cycle, many states have important ballot initiatives on the ballot next Tuesday as well.

Maryland is considering a proposal that would allow table games at the state's five casinos, as well as approve the creation of a sixth in Prince George's County, near DC. The proposal is touted as a way to fund education — for which the funds it generates will be earmarked — and, ironically, the opposition to it is mainly funded by owners of rival casinos. But economic research concerning casinos suggest that members of communities with casinos should be wary.

Melissa Kearney, an economist at the University of Maryland, released a literature review in 2005 summarizing work on gambling done to date. A study by Maryland's William Evans and Julie Topoleski that focused on Indian casinos found that they created a significant number of jobs. The ratio of jobs available to adults increased, on average, by 5 percent. This in turn led to a 2 percent decline in mortality, as residents' economic conditions improved.

But the casinos also lead to a plethora of social ills, including increased substance abuse, mental illness and suicide, violent crime, auto theft and larceny, and bankruptcy. The latter three all increased by 10 percent in communities that allowed gambling.

Other work backs up the crime finding. The Baylor's Earl Grinols, University of Georgia's David Mustard, and the University of Illinois' Cynthia Dilley found that 8 percent of crime in counties with casinos was attributable to their presence, a crime increase that cost residents, on average, \$65 a year.

And the bankruptcy finding has been replicated as well. The St. Louis Fed's Thomas Garrett and Mark Nichols found that Mississippi riverboat gambling increases bankruptcies not just in Mississippi, but in counties outside the state where many residents gamble in Mississippi. The effect was largest in neighboring states, with the Mississippi casinos responsible with a 0.24 percentage point increase in

Comment Letter I51 cont.

bankruptcy filings. Interestingly, other casinos — such as Las Vegas, Atlantic City, and so forth — didn't have statistically significant effects on other areas' bankruptcy rates.

Unsurprisingly, legalized gambling also exacerbates problems with gambling addictions. The National Gambling Impact Study Commission found that having a casino within 50 miles doubles one's likelihood to become a problem gambler. That suggests that the new DC-adjacent Maryland casino could create major addiction problems here in the District.

The evidence on casino gambling's distributional impact is much weaker than that concerning state lotteries, but there is extensive evidence that the latter amounts to a regressive tax, given that lottery ticket purchasers are disproportionately poor. But some evidence — admittedly from industry groups — suggests that casino-goers are richer than the average American, so the story could be quite different than with lotteries.

But as with the liquor industry, much if not most of the gambling industry's revenue come from addicts. Grinols estimates that 52 percent of revenue at the typical casino comes from problem gamblers, while an Ontario study put the figure at 35 percent and a Louisiana one at 42 percent. So even if gambling takes more money from the middle-class than the poor, it largely takes that money from middle-class people who aren't exactly rationally willing to spend it.

Casinos aren't even a particularly good source of tax revenue. Kearney notes that a number of studies have found that Indian casinos cannibalize business at nearby restaurants and bars, and in so doing actually reduce state tax revenue.

Like most ballot proposals, Maryland's question 7 involves tradeoffs, and one could reasonably argue the benefits in terms of jobs created and education funded outweigh the costs in terms of crime, bankruptcy, and problem gambling. But those costs are real and, the evidence suggests, very large.

The Post Recommends

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Comment Letter I51 cont.

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**Economic Impact of Casinos on Home Prices
Literature Survey and Issue Analysis
NAR Research**

Introduction and Summary

This paper summarizes the key issues associated with casino gambling, focusing primarily on the impacts of casinos on home values. In general, externalities of congestion and other social costs appear to have a negative impact on home values in the immediate area of a casino. The other impacts from the introduction of casino gambling to a community generally vary, depending on population, urban/rural location, and mix of patrons. The literature on the economic impacts of casinos is voluminous; there continues to be substantial disagreement on the measurement of costs, benefits, and impacts from gaming.

The impact of any specific casino proposal appears to be strongly driven by site-specific conditions. Accordingly this paper outlines a number of important issues for consideration in evaluating the impact of a casino on housing and the community. The paper has been prepared in conjunction with the REALTOR® Association of Pioneer Valley and makes reference to the proposed casino for Springfield, Massachusetts. The conclusions are preliminary given ongoing disagreements concerning costs and benefits but do outline important issues for consideration in analyzing the desirability of a casino proposal.

As is the case with other types of commercial or industrial properties, the siting of a casino produces externalities producing positive and negative impacts on residential property values.¹ Las Vegas is reported as a clear case of destination casinos—a situation where casinos have brought long-term prosperity to an area. Some other cases of casinos with a lesser degree of success as destination casinos are reported in the gambling literature. However, the impact of casinos on the surrounding communities in many cases has been evaluated as minimal or negative—particularly when infrastructure and social costs are considered.

- Casinos are likely to have negative impacts on nearby home values. Commercial properties—such as casinos, shopping centers, and infrastructure projects-- can produce both positive and negative externalities. The positive externalities such as enhanced amenities and benefits need to be evaluated in relation to the negative externalities such as increased congestion, traffic, noise, etc. The overall impacts are site specific, generally negative near the casino.
- A casino drawing most of its patrons from outside the local area can have positive impacts on government tax revenues and the local economy. The key issue is whether a casino is similar to a restaurant (attracting money from the surrounding area by serving local patrons) or a factory (bringing in money from outside the local area by exporting products—in this case gaming services as a destination casino).

¹ Positive externalities add value not obtained by the agent creating them; for example, a casino could create a vibrant commercial district in a formerly economically depressed area—but the value created would accrue to the other commercial establishments rather than the casino operator. Negative externalities remove value from an area; for example, anti-social behavior by casino patrons would create social costs borne by the community but not by the casino operators.

- In the case of Springfield Massachusetts a significantly level of sustained patronage as a destination casino appears unlikely given the saturation of gaming venues in the New England and New York region (e.g., Foxwoods, Mohegan Sun, Twin River Casinos, Newport Grand Jai Alai, casino cruise ships, race tracks, possible additional casinos in New Hampshire and Connecticut, and a variety of other gambling opportunities).
- Indian casinos in very rural areas are frequently cited as generating significant local economic benefits, largely due to the depressed nature of the local economy. This has not generally been the case for urban casinos.
- Distances between casinos appear to be important. Casinos that are close to each other tend to split the available business, reducing profitability. There are a significant number of casinos relatively close to Springfield.
- Casinos generate jobs, but many of the jobs created by the introduction of a casino are reported to be minimal wage/low paying opportunities, with a few experienced gaming professionals filling the management positions.
- Major social costs are frequently mentioned as associated with casinos—e.g., increased bankruptcies, crime, traffic, and congestion among others. These costs are frequently excluded from cost/benefit evaluations due to measurement problems. The inclusion of the social costs along with possibly other negative externalities reduces the net level of economic benefits from a casino or may even turn them negative.
- The impact on home values appears to be unambiguously negative. In the case of Springfield a casino would appear to have a significant negative externalities/nuisance value. The impact of negative externalities can be very significant, ranging in the neighborhood of 4 to 10 percent as outlined in the report and Appendix.

The gambling industry is substantial in size. According to Mallach² in 2008 casinos were operated by 233 Indian tribes in 28 states generating nearly \$26 billion in gross gambling revenues, based on information from the National Indian Gaming Association. In addition, 445 commercial casinos and 44 “racinos” (racetrack-based casinos) in 20 different states generated another \$39 billion in gambling revenues, according to information from the American Gaming Association 2009.

All gambling is local, and the gambling literature cites a wide variety of economic outcomes and impacts from gambling that appear to vary from jurisdiction to jurisdiction depending on local and site-specific conditions. However, in general the impact of casinos on residential home prices in the vicinity of a casino appears to be negative. The impact on home prices needs to be factored into the evaluation of the impact of the establishment of a casino along with the potential positive impacts—job creation, higher local incomes, and the potential negative impacts—such as social costs and possible increases in crime—in arriving at an overall evaluation of the economic impacts of a proposed casino.

We estimate that assessed home values will most likely be negatively impacted by \$64 to \$128 million from the introduction of a casino into Springfield, although there are many variables that could shift the price impact to be either more or less severe. In addition, pathological gambling could result in social costs of \$8.4 million per year, possibly significantly

² Alan Mallach, “Economic and Social Impact of Introducing Casino Gambling: A Review and Assessment of the Literature,” *Discussion Paper*, Federal Reserve Bank of Philadelphia, March 2010.

higher. Additional foreclosures could produce costs of \$5 million per year. Finally, there would probably be a negative impact on local retail businesses as local consumer expenditures were diverted to some degree to casino gaming, and a need for additional government expenditures to provide needed public services (police, fire, medical, etc.).

Economic Models—Useful for Measuring Impacts³

Economists use a variety of economic models in evaluating the economic impacts of casinos.

- Input-Output models can measure economic impacts on a regional or local basis—for example, the impact on incomes, employment, and the level of housing prices from the location of a casino.
- Multiple regression analyses are used to estimate the relationships between key variables, e.g., home prices, home characteristics, and site specific characteristics—such as the distance from a casino. When appraising real estate, professionals typically use “comps” as references in determining value. The regression approach is a mathematical version of weighing the importance of the underlying factors determining value. In comparison to input-output analysis at the county or MSA level, multiple regression models permit a finer-grain measurement of economic impacts at the site-specific level. This is a key difference.

The differences between the two modeling approaches are important when considering the casino impact on home prices. For example, increased prosperity and rising incomes generated by the arrival of a casino in an area may result in higher home prices in a rural area. This is a phenomenon that can be captured through input-output models, which measure the way in which increased money flowing into a region subsequently expands the local economy. However, higher home prices in a county can occur even though home prices in a specific area near the casino are negatively impacted. This is the type of phenomenon which can be measured through multiple regression analysis based on the relationship between home prices, distance from the casino, and other relevant data.

Accordingly, in performing an analysis it is important to understand the structure of the underlying economic model and what is being measured—i.e., effects on a general economic area or impacts based on site-specific evaluations.

Economic studies are also heavily influenced by their underlying assumptions. For example, analyses at the county, state, or regional levels may yield different conclusions—simply a function of the area analyzed. In addition, analyses by type of activity can yield different conclusions: the impact of an Indian casino may be entirely different from that of a riverboat or commercial casino depending on location relative to population centers and other gambling options. The type of patron is important—whether local (recycling local money) or from outside the region (bringing in new money). Finally, the type of location may impact the conclusions: urban areas have economies that are very different from rural areas.

³ Several types of models can be used to measure the impact of casino gambling on the local economy, based on the underlying relationships of the various parts of the economy.

The Impact of a Casino on Home Prices in the Vicinity of the Casino is Generally Negative.

Site-specific studies show the negative impact of casinos on home prices. The studies work with a variety of databases, using several types of approaches including input/output models and econometric analyses.

Henderson, Nevada: Clauretie *et. al.* analyzed the effects that the location of casinos has had on residential property values in Henderson, Nevada, a town located approximately ten miles from the Las Vegas “strip”.⁴ The town has a variety of gaming establishments of various sizes located close to residential areas, varying from taverns with a few slot machines to large casinos with live table games. The patrons of the suburban casinos are generally area residents rather than tourists. Many of the gaming facilities are located in close proximity to residential developments. The authors used home price transaction information to estimate the effect that casinos have had on residential home values.

- A price/distance regression analysis examined the impact on home values from the siting of a casino, allowing for variables such as distance from the casino, and physical and neighborhood characteristics.

The study found that casinos were a nuisance that negatively impacted nearby residential properties within one mile. In the case of large casinos, the value of each home fell by 4.6%.⁵ In illustrating the impact of a casino, the authors estimated that with 400 residential properties located within a mile of a proposed casino with an average value of \$200,000, a large casino would have a possible negative aggregate impact of \$3.7 million, exclusive of any other costs or benefits typically cited in conjunction with the siting of a casino. They noted that the “lights, noise, and traffic that accompany casino operations” were a negative associated with casino operations. For a somewhat larger city, such as Springfield, the immediate negative impact would probably be larger.

Indian Casinos, Nationwide: Baxandall and Sacerdote⁶ used a database covering 365 Indian casinos located in 156 different counties in 26 separate states to examine the county-level impacts of an Indian-owned casino. One problem with the study was that the level of analysis was at the county rather than the Census tract level, so they obtained mixed conclusions. Median home prices in counties with casinos were approximately 2 percent higher than those in non-casino counties. However, this effect appears to have been bifurcated by county size. Casinos appear to have brought increased prosperity to low-population, rural counties, resulting in home price increases—probably due to rising incomes in depressed areas. However, in comparisons

⁴ Terrence M. Clauretie, Thomas M. Carroll, Nasser Daneshvary, “Rolling the Dice: Would Casinos Harm Illinois Home Values?” *Illinois Real Estate Letter*, Winter 1998, pages 7-9.

⁵ Casino size (Small vs. Large) was defined by a 100 slot machine demarcation; for small casinos, home values fell by 3.27 percent.

⁶ Phineas Baxandall, Bruce Sacerdote, “Betting on the Future: The Economic Impact of Legalized Gambling,” *Policy Brief*, Rappaport Institute for Greater Boston, 2005.

among high-population/urban counties with and without casinos, the authors found no difference in home price changes. Recognizing the level of negative ambience around a casino, this would seem to imply a negative price impact of a casino on nearby properties.

Indiana Riverboat Casinos: Landers presented regression estimates of changes in housing values around Indiana's ten riverboat casinos.⁷ The data used covered the time period 1990 to 2000, with comparisons focused on the differences between census tracts with and without casinos. He concluded that casinos had a negative impact on the annual growth rates in housing values during the 1990s in the range of .5 to 2.1 percent. Even under circumstances of an extremely tight housing supply, the negative price impacts of casinos were not eliminated.

Nationwide Analysis: Michael Wenz performed an econometric analysis of the net impact of casinos on residential property values, using data on 358 casinos operating in 28 states, excluding Nevada.⁸ The study was subject to several limitations, which raise questions about the accuracy of the conclusions. First, the home price variable was based on respondents' estimates of how much the property would sell for if it were for sale; whether a homeowner can accurately estimate the market is debatable. Second, Wenz noted that there is substantial heterogeneity across casinos, markets and local economies, indicating that some of the estimates may have been due to market differences.

According to Wenz, there was a positive 2 percent effect on house values for homes in the area of a casino, and positive spillover effects to neighboring in-state regions. He noted that

"A particularly important finding for policy makers is that the benefits associated with a casino depend inversely on population density. Casinos are more likely to create net benefits in areas where population density is low."

In the case of low density areas it appears based on the Wenz study that gambling has brought prosperity, rising incomes, and possibly higher home prices. Wenz has noted the inapplicability of the conclusion to urban areas. Accordingly, the Wenz study seems more relevant to the impacts on incomes in rural areas (gaming appears to have a positive impact where not a lot else is happening and day trippers are bringing some money) rather than the impact of gaming on home prices.

Foxwoods Resort Casino: Carstensen *et.al.* reported that the Foxwoods Resort Casino has had a positive impact on property values.⁹ The analysis of the impact of the Foxwoods Resort Casino in Connecticut on property values in adjacent towns (Ledyard, North Stonington, Preston) was determined by comparing the housing price trends in the towns with the trend in a broader geographic area (Hartford Labor Market Area--LMA). In comparing growth rates in home prices over the time period 1990-1999 for properties sold in the three towns adjacent to

⁷ James. R. Landers, "Analyzing Local Housing Values to Assess the Economic Development Effects of Midwestern Casinos," *National Tax Association, Proceedings of the Annual Conference on Taxation, 2004*.

⁸ Michael Wenz, "The Impact of Casino Gambling on Housing Markets: A Hedonic Approach," *Journal of Gambling Business and Economics, 2007*.

⁹ Fred Carstensen, William Lott, Stan McMillen, Bobur Alimov, Na Li Dawson, Tapas Ray, *The Economic Impact of the Mashantucket Pequot Tribal Nation Operations on Connecticut*, Connecticut Center for Economic Analysis, November 2000.

Foxwoods in comparison to growth rates in the Hartford LMA, the properties adjacent to Foxwoods experienced a sales price growth rate that averaged 0.57% annually, compared to a negative 1.16% annual growth rate for the Hartford LMA during the same time period. The use of area level rather than census tract level data shows the impact of a casino on incomes more than on housing prices.

Foxwoods is frequently cited as a major success story for the introduction of gaming operations in a rural area. It appears that as local employment and incomes increased, so did home values. However, the impact on home values prices was for the area; the analysis does not measure the impact on home prices based on location relative to the casino.¹⁰ The Foxwoods luster has now dimmed. Slot machine play has been off 12 percent year over year, and the casino management warned of impending layoffs in March 2013. The focus has been on debt restructuring and reorganization. Foxwoods appears to have suffered from a slow economy, an increase in the number of available casinos, and financial problems.

Windsor, Ontario in the 1990s was an economically depressed area: a city of 200,000 people with population growth below the Canadian average and an unemployment rate 3 percent above average. Chadwick Jeffery examined home price behavior resulting from the announcement of the proposed development of a casino.¹¹ Prices fell for approximately one year near the proposed casino site after announcement of the proposed development, presumably people selling out and moving away due to potential location of the casino. This is illustrative of the potential negative impact on home values from a casino. Subsequently, prices began to rise a year after the determination of the casino site, apparently with a view towards commercialization of the properties.

Las Vegas: As a destination site, Las Vegas has been noted as a gambling success. Christopher Miller examined the impact of casinos on home prices in Las Vegas.¹² He concludes that home prices and incomes are correlated, with an upward trend. What he appears to have demonstrated is that gambling produces major advantages for the Las Vegas economy: There is a relationship between consumer payrolls and employment, home prices, home sales.

Detroit (Retail Property): Wiley and Walker¹³ performed a regression analysis to analyze the effects of casinos on retail property values in the Detroit urban area. They reported that casinos had a significantly positive influence on retail property values. The effect was stronger within a 5-mile radius of the casinos, suggesting that casinos had a complementary, rather than substitution, effect on other businesses. Bringing a casino to Detroit brought some increase in spending power to a very depressed area. In some cases a casino facilitates growth in the retail sector, and in other cases pulls money out of retail and into the casino.

¹⁰ This may, however, be a moot point; as an urban area, there appear to have been few if any houses near the casino location.

¹¹ Chadwick P. Jeffery, *Urban Neighbourhood Impacts of Casinos: A case study of the permanent casino site in Windsor, Ontario*, University of Windsor, 1996.

¹² Christopher Alan Miller, "The Effects of gaming on residential real estate prices and sales: A case study of Las Vegas: 1990—2008", *University of Nevada Las Vegas*, 2009.

¹³ Jonathan A. Wiley & Douglas M. Walker, "Casino Revenues and Retail Property Values: The Detroit Case," *Journal of Real Estate Finance*, March 2009.

Conclusions: In depressed rural areas a casino may help the economy by bringing in some money from day trippers. However, in general casinos appear to have a negative impact on home prices in the vicinity of the casino. The effect of casinos on commercial property is mixed: in two cases—Detroit and Windsor—were positive. However, there are references in the literature to decreased levels of retail spending from what it would otherwise have been when the casino patrons are predominantly local. In such cases, a casino could have a negative impact on local retail operations and property values.

Obviously, Las Vegas could be cited as a commercial property success. Other studies have suggested that the degree to which casinos have a favorable overall impact on commercial property is dependent on the patron mix. If a casino draws heavily from local areas, buying power may be siphoned from local establishments to the casino. However, if the bulk of patrons are from outside the local area, then additional buying power drawn to the region may flow over to other commercial businesses. Given the growth of casino locations, the probability of bringing dollars into the region on a consistent and extended basis seems to have declined. For example, Foxwoods—previously cited as a major success—has had financial difficulties.

Real Estate Values and Externalities—Looking at Underlying Economic Drivers

The conclusion that casinos are associated with negative impacts on residential property values is not unexpected. Commercial activities typically involve spill-over externalities that can impact the residential property values in the surrounding community. The spill-over effect depends on the types of externalities introduced: positive—enhanced amenities, higher incomes, etc.; or negative—increased congestion, crime, etc.

An understanding of property externalities can be useful in considering the potential impact of a proposed gaming establishment. Real estate appraisers routinely evaluate property values taking into account the positive and negative impacts of surrounding activities. A number of non-casino case studies outlining the impacts of various types of commercial endeavors on home prices are discussed in the Appendix. The conclusion from these examples (a few of a number of cases that can be found on-line through the Internet) is that commercial activities, generating traffic, noise, crowds, pollution, and other negative impacts in a neighborhood can potentially affect home values through the interplay of externalities. Positive externalities will increase home values; negative externalities will decrease home values. In some cases the results can be quite striking.

The real estate literature is replete with papers reporting the influence of externalities on residential property values. Studies appearing in *The Appraisal Journal*, for example, observe positive price effects given a house's proximity to a golf course, or an ocean, and negative effects for proximity to freight rail lines, a cell phone tower, a ruptured oil pipeline, highway noise barriers, and the residence of a registered sex offender.¹⁴

¹⁴ James E. Larsen, Joseph W. Coleman, "Cemetery Proximity and Single-family House Price," *Appraisal Journal*, January 1, 2010.

Casinos would appear on balance to have the potential of a negative impact on property values in the immediate area of the casino—based on the externalities from traffic, noise, crime, lighting, etc. On a broader, area-wide basis, however, in rural areas faced with depressed economies casinos may bring increased prosperity, resulting in higher home prices, at least in areas not near the casino.

The gaming literature is filled with discussions of the economic benefits and costs associated with casinos. Tax revenues are frequently mentioned on the benefit side, but offsetting the benefit are infrastructure improvements and ongoing operation and maintenance expenses for city services as well as the substantial social costs incurred from gambling. Social costs are a major potential negative externality.

Some Case Studies: Casino Impacts

The literature on the economic impacts from a casino gives mixed conclusions:¹⁵

- The statewide impact of Indian casino development in Wisconsin was reported as substantial and positive before measurement and incorporation of social costs. As indicated by Mallach, social costs are difficult to measure; for the Wisconsin case he provided three estimates, and based on the medium estimate, the costs and benefits from gambling cancelled out.
- An Illinois study found that state's riverboat casinos had a negative economic impact.
- An Iowa study found positive net benefits to casinos.
- A Missouri study found net benefits to casinos, but did not factor in social costs.

Based on the analysis of 365 Indian casinos, Baxandall noted that jobs were growing 6.7 percent faster in counties with casinos than in non-casino counties; there was, however, no impact on unemployment rates. Although more jobs were created, additional people moved to the county, so overall the unemployment rate was unchanged. Similarly, there was a decline in per-capita spending as more people with low-income jobs were in the county. There was a limited positive effect on housing prices, with the effect concentrated in sparsely populated rural counties. Baxandall noted that casinos spur economic development but require additional government services.

Mallach notes that the costs and benefits associated with the establishment of a casino can cancel out, or even have a total negative impact. The measurement of social costs is very uncertain; for example, the cost of compulsive gambling is estimated at \$560 to \$52,000 per gambler. He noted that there is no accepted methodology for measuring social costs, which can include workforce absenteeism, corruption, adverse health issues, policing, welfare, and increases in crime. As Mallach indicates, it is impossible to generalize about the economic impacts of casinos: they can be positive or negative depending on local, specific conditions.¹⁶

¹⁵ Mallach, *op.cit.* page 11

¹⁶ Mallach, *op.cit.*, page 14.

Garrett examined the impact of casino gaming on local employment.¹⁷ In three of four cases, rural counties that adopted casino gaming experienced increases in household and payroll employment. Employment gains were much greater in rural counties that have adopted casino gaming as a major or predominant industry in comparison to non-casino counties.

A Casino's Economic Impact Depends on the Mix of Patrons.

The economic development dimension of a casino depends on the flow of payments from casino patrons to casinos, lodging, restaurants; and the flow of payments from these businesses to their employees and various suppliers. The regional cycling and recycling of purchasing power in a community can have a multiplier effect local income and employment—if the money comes from outside the community. Casinos with a significant portion of their patron base from outside the area are more likely to have a substantial positive economic impact on other businesses.¹⁸ However, when the patron base is largely from the local area, the impact s on local businesses may be substantially less.

As indicated by Mallach, “The size of the local or regional effect depends most significantly on how many visitors the casino draws from outside the area, the reducing displacement of existing economic activity, and the number of jobs it generates within the area, thereby increasing the multiplier effect of the casino.”¹⁹ There may be significant social effects including pathological gambling, crime, and bankruptcy. “...however, there is no consensus in the literature on either the magnitude of these effects or the costs they impose on society and the economy.”

- According to Mallach, fewer than 15 percent of the patrons in Atlantic City and Las Vegas are local area residents, and there is general agreement that these cities have benefitted economically from hosting gambling enterprises.²⁰
- In contrast, local residents are over 80 percent of patrons for Illinois riverboat casinos, 75 percent for Missouri casinos, and 80 percent in the case of Detroit. The economic benefit has been reported as being much smaller.

As has been the case with Las Vegas, Foxwoods has to some extent become a destination casino. Seventy-three percent of visitors to Foxwoods were reported as being from other states—bringing in spending that was net new to the region, thereby stimulating the expansion of lodging restaurant, and other businesses. Foxwoods was reported as having created 13,000 additional jobs for the area.²¹ An economic analysis indicated that the casino had a favorable impact on the local economy. In recent years, however, the handle from the slot machines at Foxwoods has decreased, probably due to economic conditions and increased gaming

¹⁷ Thomas A. Garrett, Casino Gaming and Local Employment Trends, *Federal Reserve Bank of St. Louis Review*, 2004.

¹⁸ Adam Rose, “The Regional Economic Impacts of Casino Gambling: Assessment of the Literature and Establishment of a Research Agenda,” National Gambling Impact Study Commission, 1998.

¹⁹ Mallach, *op.cit.*, page 5.

²⁰ This conclusion appears to be less definitive in the case of Atlantic City, particularly if one journeys 10 blocks from the boardwalk.

²¹ Carstensen, *et. al.*, page 2.

competition. Foxwoods has announced layoffs from time to time, and has been facing increasing economic challenges and debt restructuring.

To the degree that a casino can attract outside money from a wide geographic area, the level of prosperity and tax revenue of the immediate jurisdiction will be enhanced. Casinos add jobs—although frequently minimum wage for local residents. In some cases casinos have positive impacts on surrounding commercial businesses; in other cases the impact is negative. Whether the government revenues obtained from a casino offset the direct costs of infrastructure improvements and community expenditures seems to be site specific.

A different viewpoint is provided by Hicks, who indicates that gambling casinos did not impact employment and income growth at the county level, although there was a significantly negative impact on retail trade.²² New employment growth attributable to casinos was zero. However, within a county, there were adjustments in sectors. Most notably, there was a decline in retail trade. He noted that the effects presented were averages, with some counties seeing increases while others experienced decreases. The results were somewhat surprising and show that conclusions vary from study to study, based on assumptions, methodologies, local conditions, and the types and locations of casinos.

Rose indicates that economic theory and the preponderance of evidence indicate that the aggregate direct and indirect impacts of the construction, operation, and taxation of casinos are significantly positive.²³ Broader economic costs relating to increased use of government services and changes in property values are not insignificant, but according to Rose they do not come close to canceling out the more conventional output, income and employment gains.

A sufficient number of properly done studies, as well as adjustments in the findings of some flawed studies, enable me to state the conclusion: a new casino, of even limited attractiveness and placed in a market that is not already saturated, will yield positive economic benefits on net to its host economy.²⁴ ...This conclusion does not factor in the social costs of problem gambling or crime as well. In essence, however, several researchers have correctly noted that analyzing the impact of a new casino is not so much different than analyzing the impact of a new retail center or entertainment complex in a region, social cost considerations aside.

Contrary to Rose's statement, there is substantial disagreement on the impacts of casinos, particularly when one takes account of externalities and social costs. Put differently, Rose ignored the most important costs, so of course he reaches a positive conclusion.

²² Michael J. Hicks, "A Quasi Experimental Analysis of the Impact of Casino Gambling on Regional Economic Performance," *National Tax Association, Proceedings, 2003*.

²³ Adam Rose, "The Regional Economic Impacts of Casino Gambling: Assessment of the Literature and Establishment of a Research Agenda," 1998. The Rose study is dated and is illustrative of much of the analysis on gambling—ignoring the social costs which are difficult to quantify but have been shown to be very high.

²⁴ Rose, *op.cit.*, Page iv.

The Social Costs Associated with Casinos are Frequently Reported as Substantial.

In addition to direct costs and benefits associated with gambling there appear to be a number of social costs. However, most studies seem to ignore these costs, indicating that they are beyond the scope of the project. The costs are frequently references as substantial:

- According to Grinols, gambling fails a cost-benefit test; \$3 of cost to \$1 of benefits.²⁵ Public costs are substantial.
- According to the Rappaport Institute report, total crime in an area can be expected to increase when casinos open, but the increase is due to increased population, not to a casino-created crime wave.²⁶ Increased crime results in increased policing and other costs.
- Based on FBI statistics, for an average county with 100,000 population size, introduction of a casino implies 615 more larcenies, 325 more burglaries, 272 more auto thefts, 10 more rapes, 65 more robberies, and 100 more aggravated assaults.²⁷
- As noted by Wheeler, *et. al.*, "Our results indicate a positive and significant relationship between gaming and crime rates...."; "...if gaming expenditure were zero in 2006, income-generating crime would fall by about 10%."²⁸
- "...national park visitors have no effect on either property or violent crime."²⁹
- Research also shows that proximity to casinos leads to increases in problem gambling.³⁰
- Nichols *et. al.* performed a study of per capita bankruptcy rates in eight communities that had recently adopted casino gambling with a set of economically and demographically similar control jurisdictions.³¹ The results reveal that bankruptcy rates increased in seven of the eight communities and decreased in one.

Application to Springfield, Massachusetts

In the case of Springfield, Massachusetts, the city is reported to collect \$25 million a year in revenue. There will be additional benefits in terms of employment, property taxes, and possibly other retail services. Any analysis of the benefits needs to consider capital costs and ongoing operations and maintenance costs to be borne by the government, possible decreases in home values, and rising social costs in arriving at a net impact.

²⁵ Earl L. Grinols, "Gambling Economics, Summary Facts," November 2012.

²⁶ Rappaport page 5

²⁷ Earl L. Grinols and David B. Mustard, "Casinos, Crime, and Community Costs," *The Review of Economics and Statistics*, 88,1, February 2006, 28-45, as summarized by Professor Earl L. Grinols.

²⁸ Wheeler, Sarah A., David K. Round, John K. Wilson, "The Relationship Between Crime and Electronic Gaming Expenditure: Evidence from Victoria, Australia," *Journal of Quantitative Criminology*, Springer Verlag, October 2010.

²⁹ Grinols, Earl L. and David B. Mustard, "How Do Visitors Affect Crime?," *Journal of Quantitative Criminology*, 2011.

³⁰ Baxandall, *op.cit.*, page 5.

³¹ Mark W. Nichols, B. Grant Stitt, David Giacomassi, "Casino Gambling and Bankruptcy in New U.S. Casino Jurisdictions," *Journal of Socio-Economics* 29 (2000) 247-261.

Estimates of the Impact

Home Values—Impact of a Casino: The various studies available suggest that a casino can have a negative impact on home prices of between -2 and -10 percent decline in value, with the most credible being a negative decline of 4.6 percent.

- Recognizing that the negative impact on home values decreases based on distance from a casino, we assume that only 50 percent of the total assessed value will be negatively impacted.
- For those homes negatively impacted, we assume that the impact will be in the range from -2.3 percent to -4.6 percent.
- The Assessed Value of homes in the Springfield/West Springfield/Palmer area in 2012 was approximately \$5.5 Billion.

Area	Assessed Value
Springfield	\$ 3,453,979,100
West Springfield	\$ 1,484,837,700
Palmer	\$ 614,020,300
Total	\$ 5,552,837,100

- Based on the assumptions, the overall decline in total assessed value for homes in the Springfield area as the result of a casino is estimated to be between \$64 million (lower bound) to \$128 million (upper bound). This works out to a decline of \$1650 to \$3300 per home.

Home Sales: In 2012 home sales were 1234 units, for a total market value of \$154 million.

	Sales	Price	Total Market Value
Springfield	926	\$ 107,130	\$ 99,202,380
West Springfield	210	\$ 188,425	\$ 39,569,250
Palmer	98	\$ 157,430	\$ 15,428,140
Total	1234		\$ 154,199,770

- Under the same assumptions as above, the corresponding negative impact on the market value of sales would have ranged from -\$1.7 million to -\$3.5 million.
- Put differently, the overall price decline per home would have been in the range of \$1,400 to \$2,900 per home, based on the 2012 level of sales and prices.

Other Impacts: In addition to impacts on assessed home values there could also be impacts from social costs and short sale/ home foreclosures.

Social Costs—Gambling: Approximately 1.2 percent of U.S. adults are pathological gamblers. The figure doubles in a local community if a casino is located within 50 miles. Based on the population size of 680,000 in the Springfield metropolitan statistical area, the number of people with a gambling problem could rise from roughly 7,000 to 14,000. Based on studies showing an average annual cost of \$1200 per problem gambler in terms of welfare benefits, treatment,

arrests, legal fees, and the like, the Springfield region should expect to absorb \$8.4 million annually in costs related to increased gambling.

Foreclosures and Short Sales: Based on a Study by Nichols *et. al.*, the number of bankruptcies could rise by .88 per 1,000 households with the arrival of a casino.³² For the Springfield area, that could mean an additional 250 bankruptcies, with possibly 125 or more homes in foreclosure on a yearly basis. Total losses in market value could be in the neighborhood of \$5 million, although actual market conditions could cause this number to rise or fall depending on overall market trends.

Further in-depth study is required to assess fully the economic and social impact of a new casino in or near Springfield, Massachusetts. The research needs to take into consider all costs and benefits as well as the consideration of all casinos within reasonable driving distances in the New England region as well a consideration of any new potential casinos that may be opened in the future.

In looking at the impacts of casinos overall and considering all factors, there are a number of positives and negatives that need to be considered, as outlined below.

There can be benefits to a community from the location of a casino:

- Gambling operations generate substantial amounts of tax revenue; however, the revenues frequently go to the state rather than the local jurisdiction. In many cases the local jurisdictions pay most of the costs of infrastructure improvements.
- In economically depressed rural areas casinos have provided increased employment and income, with measurable impacts. In urban areas the various studies in general have found no measurable impacts on income and employment.

However, the benefits from a casino may be relatively limited.

- Jobs are created initially, but the ongoing service sector jobs in casino-related employment generally tend to be lower-paid jobs.
- Construction jobs are also created initially, but they are one-time new jobs. The number of restaurants and shows in the areas around casinos generally declines. For example, in Atlantic City, the number of restaurants located outside of the casinos fell by nearly half over a 20-year time span.

Site specific attributes are extremely important in the operating success of a casino.

- The location of other competitive casinos is important: less competition with other casinos apparently results in greater patronage of a casino.
- The type of patron is important: Extended visit patrons tend to spend more money at a casino and in the area than do day-trippers. To the degree that a casino area becomes a destination rather than relying on local patrons the casino is likely to generate additional jobs and income for the region.

³² Mark W. Nichols, B. Grant Stitt, David Giacomassi, "Casino Gambling and Bankruptcy in New United States Casino Jurisdictions," *Journal of Socio-Economics*, 29(2000), 247-261.

- The proclivity of potential patrons to venture outside the casino to patronize other businesses impacts the overall business level in the area; alternatively, if the majority of patrons are local, there may be a decline in patronage of other retail businesses.
- The degree to which the casino hires locally impacts the local benefits. Studies have noted that in many cases the employment of residents is for minimum wage jobs. The degree to which higher paid personnel reside in an area has an impact on the overall economy.

There can be substantial costs from the location of a casino:

- The social costs associated with gambling can be substantial, frequently referenced as crime, bankruptcy, and various forms of social degradation.
- There does not appear to be general agreement as to how social costs should be measured.
- Social costs frequently are not incorporated into the analysis on the grounds that they are difficult to analyze.
- Personal bankruptcy rates are higher in communities with nearby casinos. The rates are highest in areas where the casinos have been the longest.
- The literature is mixed on whether the crime rate rises with casinos, but the number of additional people visiting the area requires personnel additions to the public sector.

In general, a casino would be expected to impact housing values negatively—at least in areas near the casino:

- Negative externalities can affect home prices—for example, a garbage landfill, rock quarry, airport, or even country club can have negative impacts on home prices.
- Positive externalities—for example the siting of a Walmart or an increased transportation network can have positive externalities.
- The net effect of externalities determines the impact on home prices. In the case of casinos the impact has been shown to be negative for houses in the immediate area of the casino. However, the impact of the casino on home prices in a broader area may be positive given rising incomes in rural areas.

In applying the information in this report to a specific proposed casino site one would need to consider a variety of issues:

- Will the proposed casino be a destination venue, or will it rely on day-trippers or local patrons?
- Will the proposed casino be in competition with other nearby gaming opportunities?
- Will the proposed casino offer a significant number and diversity of job opportunities for local residents?
- What are the benefits in dollar terms (e.g., taxes, economic growth, impacts on real estate, etc.)?
- What are the costs in dollar terms (e.g., social costs, infrastructure costs, real estate impacts, etc.)?
- Will the costs offset the benefits?

Conclusions

In conclusion, a casino would appear to have a negative impact on assessed home values and sales prices in the Springfield area. There could also be additional negative impacts in terms of more foreclosures and higher social costs. Offsetting these negative factors would potentially be additional revenue from taxes, the creation of additional jobs, and possibly some other positive economic impacts. A detailed economic analysis of the proposed casino would need to consider all of the issues mentioned.

**Appendix: Externalities and Impacts on Residential Home Values
Examples of Some Cases**

The literature on the impact of externalities on residential home values is extensive. One would expect a Walmart with its associated traffic to have a negative impact on home values (Wrong!) and a golf course to have a positive impact (partly correct, partly wrong). The examples show to some degree the nature of externalities. It would appear that a casino, on balance, would negatively impact home values in the immediate area. However, this impact is likely to be very site specific, requiring an analysis in each case that takes into account urban/rural location, local/out-of-town patrons, degree of competition, and potentially various other factors.

Cemeteries (Mixed effects): In evaluating the potential impacts of cemeteries on property values, Larsen and Coleman discussed the tradeoffs between positive externalities (stable land use, open space) and negative externalities (negative ambience), using a regression analysis on data from 575 transactions of single-family houses in the vicinity of four cemeteries. Two cases found no price impacts. In a third case prices were 8.8 percent higher, and in a fourth case prices were 10.1 percent lower.³³

Sports Stadium (negative effect): Dehring *et. al.* investigated the impact of a sports stadium on residential property values.³⁴ A series of announcements regarding a new publicly-subsidized stadium in nearby Arlington, Texas, had a negative effect on residential property values. Average property values declined approximately 1.5% relative to the surrounding area before stadium construction commenced.

Walmart (positive effect): A study from the National Bureau of Economic Research (NBER) found that a new Walmart store increased home prices by 2 to 3 percent for homes within .5 miles, and by 1-2 percent for homes between .5 mile and 1 mile.³⁵ The analysis was based on over one million housing transactions located near 159 Walmarks that opened between 2000 and 2006. The study concluded that the impact of accessibility to shopping and employment offset the negative externalities of possible increases in crime, noise, light pollution, traffic congestion, garbage accumulation and perceived visual aesthetics. Considering Walmart and other similar stores, Johnson *et. al.* found that³⁶

³³ James E. Larsen, Joseph W. Coleman, "Cemetery Proximity and Single-family House Price," *Appraisal Journal*, January 1, 2010.

³⁴ Carolyn A. Dehring, Craig A. Depken, and Michael R. Ward, "The Impact of Stadium Announcements on Residential Property Values: Evidence from a Natural Experiment in Dallas-Fort Worth," *Working Papers 0616*, International Association of Sports Economists & North American Association of Sports Economists, September 2006.

³⁵ Devin G. Pope, Jaren C. Pope, "When Walmart Comes to Town: Always Low Housing Prices? Always?," *NBER Working Paper No. 18111*, May 2012.

³⁶ Daniel K.N. Johnson, Kristina M. Lybecker, Nicole Gurley, Alex Stiller-Shulman, Stephen Fischer, "The NWIMBY (No WalMart In My Backyard): Big Box Stores and Residential Property Values," *Colorado College Working Paper 2009-09*, October 2009.

Proximity to one or more big box stores delays home sales and diminishes home property values in that area. Within some critical distance, however, the data indicate that the convenience of being close to a big box store may outweigh the negative effects on pricing at least for some homeowners.

Neighbors (negative impact): A neighborhood nuisance such as an overgrown yard or a curmudgeonly resident next door is reported as possibly negatively affecting home values by up to 10 percent.³⁷ Larsen *et. al.* also found a negative neighbor effect: houses located with .1 mile of a sex offender were reported as selling for 7.5 to 17.4 percent less on average, depending on distance from the offender, severity of the crime, and type of neighborhood notification.³⁸

Airport (negative impact): A 1994 Booz-Allen & Hamilton report *The Effect of Airport Noise on Housing Values: A Summary Report*, prepared for the Federal Aviation Administration, described a methodology for evaluating the impact of noise on housing values by comparing market prices in similar neighborhoods that differ only in the level of airport-related noise.³⁹ In two paired moderately priced neighborhoods north of Los Angeles International Airport, the study found "an average 18.6 percent higher property value in the quiet neighborhood..."

Infrastructure Project (negative impact): Theebe examined the impact of large planned infrastructural projects such as expansion of main airports and construction of high-speed railways. He estimated the non-linear impact of traffic noise on property prices. The data set was extensive: over 100,000 sales transactions are studied, with many individual property characteristics, combined with noise levels for 2 million small 100 by 100 meter areas. He used spatial autocorrelation techniques and found that the impact of traffic noise in a rising market ranges to 12 percent, with an average of about 5 percent. The discount varies across sub-markets, and is a non-linear function of the noise level.⁴⁰

Rail Transportation (positive impact): Roderick Diaz summarized 8 studies on the effects of rail transportation on home prices. The conclusion was that transportation projects caused a 3 to 10 percent increase in home prices.⁴¹ The positive (accessibility) impacts outweighed the negative (traffic, noise, aesthetics) impacts.

³⁷ "Neighbors Could Hurt Home Appraisal Values, *The Real Deal*, February 15, 2013 Hiten Samtani. <http://therealdeal.com/blog/2013/02/15/neighbors-could-hurt-home-appraisal-values-experts-say/>

³⁸ James E. Larsen, Kenneth J. Lowrey, Joseph W. Coleman, "The Effect of Proximity to a Registered Sex Offender's Residence on Single-family House Selection," *Appraisal Journal*, July 2003, Volume 71, Number 3.

³⁹ <http://www.wyle.com/PDFs/archive/EffectsAirNoiseHV.pdf>.

⁴⁰ Marcel A.J. Theebe, "Planes, Trains, and Automobiles: The Impact of Traffic Noise on House Prices," *Journal of Real Estate Finance and Economics*, Vol. 28, No. 2

⁴¹ http://www.rtd-fastracks.com/media/uploads/nm/impacts_of_rail_transit_on_property_values.pdf, Roderick B. Diaz, Booz Allen & Hamilton, *Impacts of Rail Transit on Property Values*.

Colleges (positive impact): Vandergrift *et. al.* found at the municipal level that the presence of a college is associated with house prices that are about 11 percent higher.⁴²

Golf Courses (mixed effects): Asabere *et. al.* concluded that there were positive and negative effects to being located near a golf course. The results showed that golf course frontage produced an average price premium of roughly 8% for homes. The measurement of negative impacts was also statistically significant, with the exact loss dependent on the distance involved. For example, a home one-tenth-mile distant from the golf course gate suffered a loss of about 3.7%.⁴³

Shopping Center (mixed effects): The announcement of a proposed shopping center was reported to have had both negative and positive effects on the value of neighboring residential properties.⁴⁴ At distances closer than 1500 feet, diseconomies appeared to dominate. Beyond 1500 feet, economies appeared to dominate.

Office Building Near Residences (mixed effects): In the case of the construction of an 11 story, 289,000 sq. ft. building in Dallas, Texas, residential property values for nearby houses were discounted by as much as 15 percent.⁴⁵ However, properties within 2,500 meters increased overall in value by about 1 percent. There were both negative and positive externalities. Accessibility to employment and or expectations for future commercial development increase values.

Landfills (negative impacts): Nelson *et. al.* estimated the price impact effects of a Minnesota landfill on the value of nearby houses. At the landfill boundary, the impact was a negative 12 percent, declining to 6 percent at one mile from the landfill, with negligible impact beyond two miles.⁴⁶

A different study showed that living close to a landfill was reported to reduce house prices by 2.6 percent.⁴⁷ Negative impacts from such nuisances as noise, smell, wind-blown litter, the additional traffic, flies, and vermin were reported to appear to endure over periods of

⁴² <http://policy.rutgers.edu/faculty/lahr/TownVsGown.pdf>, "Town versus Gown: The Effect of a College on Housing Prices and the Tax Base," Donald Vandegrift a* Amanda Lockshiss, Michael Lahr November 2009.

⁴³ Asabere, Paul K.; Huffman, Forrest E. "Negative and positive impacts of golf course proximity on home prices," *Appraisal Journal*, October 1, 1996.

⁴⁴ Peter F. Colwell, Surinder S. Gujral, and Christopher Coley, "The Impact of a Shopping Center on the Value of Surrounding Properties," *Real Estate Issues*, Spring/Summer 1985 35-39.

⁴⁵ Thomas G. Thibodeau, "Estimating the Effect of High-Rise Office Buildings on Residential Property Values," *Land Economics* Vol 66, No. 4, November 1990.

⁴⁶ Arthur C. Nelson, John Genereux and Michelle Genereux, "Price Effects of Landfills on House Values," *Land Economics*, Vol. 68, No. 4 (Nov., 1992), pp. 359-365.

⁴⁷ <http://www.birmingham.ac.uk/news/latest/2012/12/28-dec-Living-close-to-a-rubbish-tip-reduces-house-prices-by-26-research-shows.aspx>, "The Valuation of Landfill Disamenities in Birmingham," Yun Hama, David Maddison and Robert Elliotta

20 years after closure. The report concluded that proximity to a landfill site can also generate “stigma damages” not attributable to any physical nuisance.

Wind Turbines (mixed impacts): A study of the impacts of wind turbines found both negative and positive impacts on home prices. First, based on a Lawrence Berkeley National Laboratory study, there is no indication that wind turbines cause a persistent negative impact on property values in the area (5-mile radius) around a wind facility.⁴⁸ However, other studies in the same document, which summarized 5 studies, saw negative impacts. The overall conclusion—issue not yet resolved.

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⁴⁸ FINDINGS ON THE IMPACT OF WIND TURBINES ON RESIDENTIAL PROPERTY VALUES: A Reference Guide as of 2011 West Virginia Division of Energy and Wind Powering America, April 2011, (Revised September 2011) http://muwww-new.marshall.edu/cber/research/WTGs_Property_Impacts_Summary_FINAL.pdf.

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From: **John and Glennah Trochet** <trochetj@gmail.com>
Date: Mon, Feb 29, 2016 at 11:30 AM
Subject: Wilton Rancheria casino siting
To: John Rydzik <john.rydzik@bia.gov>

Dear Mr. Rydzik,

When my wife and I started our medical careers years ago, we worked in the Indian Health Service in New Mexico. We have strong feelings in support of equity issues involving First Nations. Speaking for myself, I have no wish to deny the Wilton Rancheria the opportunity to build a casino in Sacramento County.

I do object to the proposed siting of the casino complex at the Highway 99-Twin Cities Road junction. More preferable in my estimation would be building this complex at the old Lent Ranch Mall site in Elk Grove. I believe the infrastructure is already largely in place there, road access is already available (rebuilding the Mingo Road interchange would be unnecessary), and proximity to the Sacramento area population center, from which most casino goers might be expected to be drawn, would be closer.

I52-01

I have been a volunteer at the Cosumnes River Preserve for more than 20 years now. My concern has long been that the preserve, which has functioned at a landscape scale with adjacent lands in agriculture, will be reduced to a narrow greenbelt and in that case lose much of its conservation value. Alternative A would take ag lands out of production and destroy important foraging grounds for Swainson's hawks in the breeding season and early autumn and for sandhill cranes in winter and early spring. With regard to the cranes, sites such as this one are especially important when the Cosumnes River is in flood and usual foraging sites on the preserve itself are inundated. Alternative A would have the casino built adjacent to the largest surviving population of giant garter snakes, another species of conservation concern, at Laguna Creek and Badger Creek just to the north.

I52-02

Please endorse the choice of Alternative F in building the Wilton Rancheria casino project at the Lent Ranch Mall site. I believe this would readily make the casino profitable, preserve the small-town character of Galt and maintain the ag buffer around the Cosumnes River Preserve so important to its long term function of supporting the native biota.

I52-03

Sincerely,

John Trochet

633 46th Street

Sacramento, California 95819

From: Mahlon Picht <picht@sbcglobal.net>
Date: 2/29/2016 3:58 PM (GMT-08:00)
To: john.rydzik@bia.gov
Subject: Proposed Wilton Rancheria Gambling Casino

Mr. John Rydzik
U.S. Department of the Interior
Bureau of Indian Affairs
Pacific Region Office
280 Cottage Way
Sacramento, CA 95825

Dear Mr. Rydzik,

I oppose the construction of a Wilton Rancheria Gambling Casino on Alternative Sites A, B, and C because it would be incompatible with current and important land use in that area. What little remains of California's agricultural and native wildlands, in this case nearly adjacent to the Cosumnes River Preserve, would be further reduced by the proposed 282 acre (can this be correct?) "destination site" for gambling, spas and the like.

I53-01

Attending your public hearing last January 29 in Galt was a real eye-opener for me.

I express my views as an active, twenty-year participant in volunteer work at the Preserve who regularly drives by Alternative Sites A, B, and C. And I support the City of Galt's citizens who desire to maintain the green buffer established between Galt and Elk Grove. Construction on Alternative Sites A, B, and C would yet again chip away at a hard-won amenity.

Finally, it's difficult to understand why the several alternative sites, expressing differing amounts of acreage, are of such varying size, as shown in the Environmental Impact Statement. One can only wonder what the true needs and parameters for this project are.

I53-02

Respectfully,

Mahlon Picht
Volunteer, Cosumnes River Preserve and interested citizen
2032 5th Avenue
Sacramento, CA 95818

From: Michelle Gutierrez <michelle_ca_nvie@yahoo.com>

Date: 2/29/2016 4:33 PM (GMT-08:00)

To: John.rydzik@bia.gov

Cc: Chad.broussard@bia.gov, mcrews@ci.galt.ca.us, mpowers@ci.galt.ca.us,
bpayne@ci.galt.ca.us, ccampion@ci.galt.ca.us, lheuer@ci.galt.ca.us

Subject: DIES comments, Wilton Rancheria Fee-to Trust and Casino Project

Mr. Rydzik, Chief, Division of Environmental, Cultural Resources of Management & Safety,
Bureau of Indian Affairs,

Mr. Broussard, Mayor, and Galt City Council Members,

Please note my adamant objection to your proposed casino in Galt, California.

My main concerns:

1. Are you planning to address the extreme congestion on Highway 99 between Elk Grove and Galt?

Your goal is to make an overpass for Mingo Road. I have lived here for just one year. I have seen the immense traffic between Elk Grove and Galt. I have been *stuck in that traffic* on two separate occasions (*within one year may I remind you*), as two diesel trucks had crashed and overturned, dumping their cargo. Several hours elapsed for the cleanup, blocking Highway 99 most of the day. It took one and two hours, respectively, for me to get home, using back county roads that only have two lanes. Also, I have witnessed *multiple accidents* on this two lane highway that slowed traffic to a crawl, sometimes a complete stop. What happens if there's an accident? Do you really want upset patrons stuck in traffic that will vow to never go to your establishment again? Increased traffic on Highway 99 isn't being addressed. **It will put added stress on our small town, which will increase rigidity between your tribe and residents.**

I54-01

2. How will you deal with increased crime and vagrants?

My family is in law enforcement. I have heard many, many stories about Thunder Valley and Red Hawk casinos causing so much crime and burden in their communities, that the casino itself has had to call in multiple agencies for back up. I'm not not just talking about the local Police department, but Sheriff's departments and multiple Sacramento California Highway Patrol offices. The closest law enforcement agency to Galt (besides our Galt PD, which is a minimal force) is Elk Grove Police Department. EGPD will not respond to an incident in Galt. It is not their jurisdiction. That leaves South Sacramento CHIP, which is on Mack Road in Sacramento. That is over 20 minutes away. There is CHP in Stockton, but again, Galt is not their jurisdiction. Sure, South Sacramento Chippies (my husband is CHIP) can get here fast in an emergency, but that's only if the traffic is not at a crawl or stop due to congestion or an accident. Can the casino and Galt PD handle problems alone until the CHP arrive? Not if it were a large scale disturbance. And this is just at your casino. Consider the crime outside your facility. Increasing population traveling to this town to score a quick buck, who loose their money and hold a grudge or gambling addiction, doesn't bode well for a quiet town like Galt. It will increase home break-ins, car thefts, muggings, assault, robberies, etc. **You are putting a lot at risk on this small town to handle your casino's demands.**

I54-02

3. Why do you need to purchase an over abundance of land to accommodate your facility?

The only reasons are:

- 1) have access to Twin Cities Road, and
- 2) to expand your casino.

Twin Cities Road is a small, two lane country road. Residents use this road to travel to I-5, ranchers use it for transporting livestock, grapes, and other produce. Correction officers use it to travel to and from the Richard A. McGee Correctional Training Center and Rio Consumes Correctional Center (RCCC prison). It would cause increased traffic on this small, two lane country road, causing strain between your tribe and this community. Expansion will cause more friction, as you were not honest in the first place about your intentions. **You are already creating mistrust.**

I54-03

4. How will this create jobs in this town?

First, this casino will need contractors and subcontractors. And whoever bids the lowest will get the job. Local contractors cannot compete with large corporations. How do I know this? My father and brother are building contractors. They have lost many jobs because they could not compete with the big corporations, and would not compromise their quality and morals just to win a bid. Therefore, local contractors and subcontractors will not be getting jobs. Second, indian casinos are built to provide income to tribal members. That's all I heard about in the meeting at the Chabolla Center last month. Jobs will not be given to local residents over Indian tribal members. The whole basis of an Indian casino is to help tribal members - not help the community the casino is built in. **Again, more aggravation between your casino and our town, because it will not help our employment rate.**

I54-04

5. Where is the water coming from to accommodate this casino resort?

We are in a drought. We have water sanctions in place for this small town. Your project would make our water rations even less, therefore causing anger from residents. You are also not addressing the added noise, traffic pollution, and electricity usage / lighting concerns it will add to this town. **All of the above will cause great tension between your tribe and the town.**

I54-05

I54-06

It is my preference that the proposed casino be located near Grantline Road, Elk Grove, CA. This location already has expanded access from Highway 99, infrastructure in place to accommodate your facilities, it is not adjacent to personal property (creating an eyesore and anger for residents), and is not located too far from the main city of Sacramento.

I54-07

In conversations with many of my neighbors, **it is obvious the casino is not wanted. It would place a negative impact on our small rural city and change the character of this town. This large scale growth will not compliment this community.**

Thank you for your time.

Michelle L. Gutierrez
920 Norbury Way

Comment Letter I54 cont.

Galt, CA 95632
(209) 251 -7559
michelle_ca.nvic@yahoo.com

Comment Letter I55

From: Monkey Wise <monkeywise68@gmail.com>
Date: 2/29/2016 4:17 PM (GMT-08:00)
To: "BIA (Bureau Of Indian Affairs)" <john.rvdzik@bia.gov>
Subject: An idea for Elk Grove Gaming location

Hi, my name Wayne Le. I am a life-long resident of Elk Grove and like to assist the tribe bring Gaming to the city of Elk Grove. Let me know what I can do to help! Thank you and have a nice day! I can be contacted at 916-548-7193. My email is monkeywise68@gmail.com.
One potential idea for a casion in Elk Grove is a center that features/highlights the diverse cultures in the city of Elk Grove through monthly celebration of each culture with Education, live music,, and local restaurants displaying their ethnic foods/beverages.

I55-01

February 29, 2016

Mr. John Rydzik,

I Monica Olvera-Walker, am writing in regards to the Wilton Rancheria DEIS Casino project. I am a member of Wilton Rancheria, a descendant of Annie Blue McKean. As a member of Wilton Rancheria, I've had the opportunity to become employed within our tribe as the Enrollment Officer. I'm very thankful that I have had the opportunity to work for our tribe and become successful in doing so. Before my employment at Wilton we were struggling. We had visited food banks and others helped us with food to get by, we fell behind on our house payment, and just felt like things were falling apart. I was given the opportunity to work for our tribe and help myself, my family, and my tribe which shed some light for us. I would like other members of our tribe and the community to experience what I have experienced, hope. The project will create more jobs for our tribe and the community. It will give others a chance just like me to become successful and free from poverty.

We are still a healing tribe. It saddens me to think about what our people have went through and what we are still going through. I think with the support of this project things can change for the better.

This project has many benefits that my family, our tribal members, our tribal community, and the community can benefit from. My visions and hopes would be to establish a Child Welfare Department and Receiving home(Protect our children they are our tomorrow), Elder Establishments, Employment and Career Center, Housing Developments, Education Center, Medical Departments, Community Outreach Programs, Wildlife Program, and a Cultural Resource Facility to name a few. Our project will not only benefit our people but the community as well.

In review of the roads issues, I've observed other gaming tribe with only having two lanes coming and going to their casinos and they are without any issues. I've compared other gaming tribes with similarities like our potential location and they function well.

Crime: The increase of law enforcement and security will help lower crime rates if needed. Casinos don't cause crime. Research shows casino gambling doesn't not have a significate impact on crime rates. Albanese, Jay S. Casino Gambling and Crime. Govinfo.library.unt.edu

My employment with my tribe has offered me financial security. I am in support of this project because I know it will help others as well.

Thank you for your time.

Respectfully,

Monica Olvera-Walker, Tribal Member

I56-01

From: "slichgtoffhand ." <davidsonisshadow@gmail.com>

Date: 2/29/2016 11:37 PM (GMT-08:00)

To: john.rvdzik@bia.gov

Subject: Casino Concerns

Hello, my name is Sam Davidson. I volunteer at the Cosumnes River Preserve and am alarmed at the proposed location of the casino. While I admire the lengths to which you have gone with regards to buffer zones and water treatment, the fact still remains that the proposed establishment is still directly upstream of the Cosumnes River Watershed... the only watershed left in the state that has not been dammed. This, coupled with the fact that your EIS has exempted the water being dumped into the river from any of the clean water standards you boast about following, causes myself and many of my fellow volunteers, and indeed many of the visitors to the preserve great alarm.

I57-01

This environment is incredibly sensitive and we feel the site in Elk Grove would behoove the remaining wetland and riparian habitat that we are fighting to preserve much better than the Galt site. Not just because of the potential threats the casino poses, but also because it opens up the possibility of the casino being a catalyst for more urban sprawl which could potentially cause even greater harm and pollute the headwaters of the Cosumnes River.

Your mentioning of nighttime lighting as an aesthetic concern for the preserve makes me particularly nervous. Roosting Sandhill Cranes are very sensitive to disturbance, the SOS (Save Our Sandhills) tours tell visitors to turn off their lights when turning their cars towards the fields where the birds roost overnight to avoid altering their behavior. And speaking of the cranes, another area of alarm to me is that there is contemplation of removing the agricultural buffer between Galt and the CRP. The cranes and many other waterfowl use these fields during the winter for foraging and rest, they serve as incredibly crucial habitat for wintering migrants. The removal of this buffer would displace many of the species and possibly drive their numbers down even more... in addition to hurting the economic livelihoods of the farmers who use these lands.

I57-02

In short I propose the site in Elk Grove as a more suitable place for development such as this. It does not infringe on the territory of the Cosumnes River Preserve, is much more removed from the indispensable habitat for wintering migratory birds and the ancient Sandhill Cranes, and any urban sprawl that would result from its construction would still be far removed from Galt, Lodi, and Walnut Grove where some of what little wetlands the state has left can be found.

I57-03

I ask that you please, please refrain from building at a site that has the very real potential to cause irreparable harm to an ecosystem cherished by thousands of people and used by millions upon millions of species as a bastion of life in an environment increasingly choked by urban development. If you are to go through with the construction of such an establishment as you are proposing, please do so where the environmental impact will be the least. And that is NOT the Twin Cities site. I hope someone takes this to heart, as I take to heart the beauty of the natural setting at the CRP that I have visited and cherished for many years now.

Please, if you must build, do not do so at the Twin Cities site.

Sam

From: michael <thegeneralwelfare@surewest.net>
Date: 2/29/2016 3:07 PM (GMT-08:00)
To: john.rydzik@bia.gov
Subject: WILTON RANCHERIA EIS COMMENTS

Mr. Rydzik,

Please accept my timely comments on the Wilton Rancheria EIS, attached.
Please also note that the Analytical Environmental Services website has no mention of the Wilton Rancheria Casino in its roster of tribal projects.
In addition, the nearly three thousand pages of draft environmental documents have no mention of your contact information.
This makes it very difficult for individual citizens to comment on such projects.
Please be advised that the company with whom you contracted had no idea that your information was nowhere to be found on their website and the draft report.

Michael Monasky
Elk Grove, CA

I58-01

Comments by Michael Monasky
Draft Environmental Impact Statement: US Bureau of Indian Affairs, Lead Agency
Wilton Rancheria Fee-to-Trust and Casino Project
February 29, 2016

Let's face facts: the shopping mall at Elk Grove [Alternative F] is a marketing failure, since no financial entity will front money for its completion. The general economy remains in a funk, as workers continue to see stagnation in their wages. This means retail businesses have altered their plans, taking fewer risks when consumers' spending behaviors become withdrawn. The city of Elk Grove was created out of the idiocy of building a city from a mall as its central feature, without following a marketing plan. The political drive for city hood was financed by the same agency, Pacific Municipal Consultants, which continues to have the exclusive contract for planning services.

Inside the chambers of the Elk Grove City Council, the citizen-shoppers have packed the house, offering a lesson in the short civic history of Elk Grove, which became a city in large part because of the proposed Lent Ranch Mall: a rallying point for those who wanted local control and the biggest source of funding for the cityhood campaign itself.

<https://www.newsreview.com/sacramento/elk-grove-erupts/content?oid=8907>

Even the Bureau of Indian Affairs has ruled out retail ventures at the Elk Grove Mall site for a variety of reasons, including "retail market saturation."

2.9.6 REDUCED INTENSITY AND RETAIL ON THE MALL SITE

A reduced-intensity development was eliminated from consideration on the Mall site because the environmental effects on the Mall site are already likely to be relatively low since the site is already partially developed. Due to retail market saturation, a non-gaming alternative on the Mall site was eliminated, as competitive effects would result in increased socioeconomic effects on other retailers. Additionally, because of the market saturation, it is unlikely that this alternative would generate the necessary revenue to fulfill the purpose and need of the Proposed Action.

I58-02

Additionally, the casino and gaming businesses are very risky, too, as there are big winners and big losers in this field. There is evidence in the behaviors of the professional gaming business and in the Indian tribes, that point to their reluctance in further investments in gambling ventures.

Gaming revenue was highly concentrated among a small number of states. Indian gaming in the top 10 states generated 85% of the \$28.3 billion in total nationwide gaming revenue, with Indian gaming in California alone accounting for approximately 25%. Gaming revenue was also highly concentrated among a small number of Indian gaming facilities. The top 6% of facilities accounted for approximately 41% of nationwide gaming revenue and the top 29% accounted for approximately 84%. In contrast, the bottom 35% of facilities accounted for only 2% of nationwide revenue for Indian gaming.

<http://www.nathaninc.com/resources/indian-gaming-industry-report>

Tribes are looking at diversifying investments so that, should gambling ventures fold, their people can continue to thrive. http://www.nytimes.com/2015/10/24/business/indian-tribes-look-beyond-casinos-for-income.html?_r=0&module=ArrowsNav&contentCollection=Business%20Day&action=keypress®ion=FixedLeft&pgtype=article

The city of Elk Grove is an immature, ungainly adolescent seeking to sprawl further into the prime farmland of California; it argues it must grow or die. Putting the Wilton Rancheria's investment

I58-03

Comment Letter I58 cont.

here is a dangerous proposition for the tribe and the people who live here.

I58-03
(cont.)

2/29/16
Comment Letter I59

February 25, 2016

John Rydzik, Chief of the Division of Environmental, Cultural Resource
Management and Safety
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

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Fax _____

Mr. Rydzik,

As a resident, I would like to express my opposition to the possibility of Wilton Rancheria locating a casino in the City of Elk Grove.

It is entirely inappropriate to consider placing a casino in the direct vicinity of Elk Grove's planned Southeast Policy Area, 1200 acres of future housing and retail, the result of years of planning and community input in which the possibility of a casino in its midst did not exist. In addition, the casino would be located across from the proposed Sterling Meadows development, placing a large casino project within a dense mix of neighborhood housing, parks and business.

159-01

The crime rate in this particular part of Elk Grove involving robbery, drugs, gangs and guns is on the rise. Enough that city and police officials have had to hold community meetings to address the problem and discuss the possibility of adding additional police officers to the force. Adding the element of a casino to this growing problem is ill advised and troubling.

159-02

Wilton Rancheria has its own land in Wilton and a much larger piece of property it is considering in Galt that are much more accommodating to this project.

Sincerely,



Diane Owen
8690 Mecca Road
Elk Grove, CA 95624

Comment Letter I60

February 21, 2016

1775 Iverson Way
Sacramento, CA 95835

Amy Dutschke
Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

Re: DEIS Comments, Wilton Rancheria Fee-to-Trust and Casino Project

Dear Ms. Dutschke:

The purpose of this letter is to comment regarding the Draft Environmental Impact Statement that analyzes the potential environmental effects of Wilton Rancheria's (Tribe's) application for a 282-acre fee-to-trust transfer and casino project to be located in Sacramento County, California. Specifically, my comments are directed toward Alternative A, the proposed project site west of Highway 99 and north of Twin Cities Road (the Twin Cities site).

Alternative A would destroy the farmland greenbelt between Galt and Elk Grove, including the Swainson's Hawk and Giant Garter Snake habitats in that location. It would eliminate the vernal pools and the Fairy Shrimp and Tadpole Shrimp that live in them. It would be visually unappealing and create noise, traffic, air pollution and congestion.

I60-01

Moreover, as a frequent volunteer for the Cosumnes River Preserve, I am aware that the area surrounding the Alternative A site is critically important to the wildlife of this region. As a member of Mountain Lion Survey team, I know that our cameras record an abundance of wildlife frequenting this area, including but not limited to deer, skunk, coyote, fox, turkeys, rabbits, raccoons and otter. The area is also foraging spot for Sandhill Cranes and a favorite hunting ground for the Swainson's Hawk.

The impact of a bustling casino and hotel, with increased traffic, noise, lights, and people, would be devastating to the wildlife that live in the area surrounding Alternative A. The disturbance of a casino, hotel and all they would bring to the environment would cause stress for these wildlife and would prompt them to vacate the area, further narrowing the places these animals are able to exist. It would negatively affect the diligent efforts the Preserve partners have made to protect this land from intrusion and depredation.

I60-02

I do not believe the DEIS adequately examines these impacts of Alternative A.

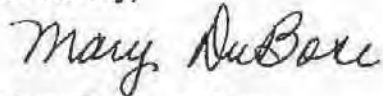
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Comment Letter I60 cont.

I do not object to the idea of a casino nor do I dispute the Tribe's right to build one. However, given the effect on the wildlife of the area of Alternative A and its surrounding environs, it makes much more sense, environmentally, to build the casino at the abandoned shopping mall already in existence in Elk Grove.

I60-03

Sincerely,

A handwritten signature in cursive script that reads "Mary DuBose".

Mary DuBose, Esq.

Comment Letter I61

John Rydzik,
 Chief of the Division of Environmental,
 Cultural Resource Management and Safety Bureau of Indian Affairs, Pacific Regional Office
 2800 Cottage Way
 Sacramento, Ca 95825
 (916) 978-6051

Dear John Rydzik

My name is Akram Keval and I am long time resident of Elk Grove , Ca. I wish to express my disapproval of the Casino to be built in Elk Grove, Wilton or Galt area.

My family and I are very active members of the community and work very hard to keep our neighborhood safe and we constantly keep a look out for each other.

With Casino in our area, it will attract crime and traffic and we do not want that kind of crowd in our city.

We do not approve this at all.

Your Sincerely

Akram Keval

9336 Sierra River Dr

Elk Grove, Ca 95624

akukeval@yahoo.com

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I61-01

I62-02

has also been increasing, and becoming more violent. I keep reading how the Tribe would pay the city to mitigate the negative impacts of a casino. It seems to me that if it's already known about those negative impacts, it would be better to not have the casino in the first place. Money isn't everything.

On a personal level, we have been talking about moving because Elk Grove is changing in the wrong way. This might tip us over to finally do that. Please take Elk Grove off of your list. Sincerely, Denise Hollerman

Feb. 25, 2016

Dear Ms. Deuschke,

I live in Elk Grove and want to say that I really hope the Winton Tribe does not build a casino near Elk Grove.

I've lived here since 1998 and seen the crazy growth that has occurred. I live in the Laguna part of Elk Grove, not that far from the Auto Mall. Traffic is getting worse, without adding more traffic related to a casino. Crime

I62-01

I62-02

GENIE HOLLEMAN
9264 MANTLE COURT
ELK GROVE, CA
95758

(916) 616-
6214



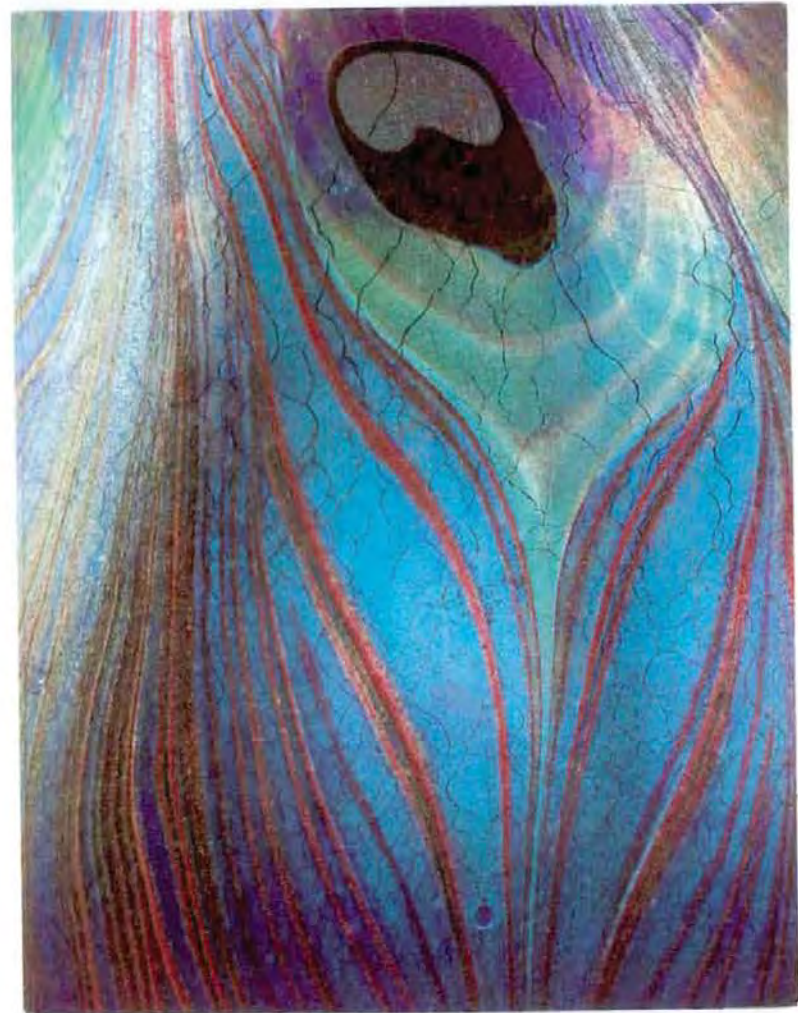
nevergiveup68591@aol.com

VASE, WITH PEACOCK FEATHERS (detail)
Louis Comfort Tiffany, American, 1848–1933
Tiffany Studios, New York City
Blown Favrite glass, H. 22 in. (27.3 cm), ca. 1900

THE METROPOLITAN MUSEUM OF ART
Gift of Louis Comfort Tiffany Foundation, 1951 51.121.2

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I62-01

9/15/16

WRITTEN COMMENT CARD

BUREAU OF INDIAN AFFAIRS - PUBLIC HEARING
WILTON RANCHERIA FEE-TO-TRUST AND CASINO PROJECT

CHABOLLA COMMUNITY CENTER - GALT, CALIFORNIA
January 29, 2016

Reg Dir all ✓
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IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW. WRITTEN COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT MUST ARRIVE BY FEBRUARY 29, 2016.

(Please write legibly)

Name: Bill and Barbara Griffin Organization: Residents

Address: 973 Stampede Trail, Galt, CA 95632

Comment: We hope you will decide not to locate a Casino Project in Galt. We moved here 25 years ago mainly to get away from the heavy traffic and fast pace of the Bay Area. We have been very happy here, and even though Galt has grown over the years, it still has a small town feel. A Casino would bring a lot of traffic. Also, there are already quite a few casinos in this area, and a close drive from here, so we don't feel it is needed. Thank you, Barbara Griffin Jim Griffin

Please give to attendant, drop in Written Comment Box, or mail to: Bureau of Indian Affairs, Attention: Amy Dutschke, Pacific Regional Director, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "DEIS Comments, Wilton Rancheria Fee-to-Trust and Casino Project" on the first page of your written comments.

I63-01

PUBLIC HEARING TRANSCRIPT

PUBLIC HEARING FOR PROPOSED
WILTON RANCHERIA
FEE-TO-TRUST AND CASINO PROJECT'S
ENVIRONMENTAL IMPACT STATEMENT

Friday, January 29, 2016
Chabolla Community Center
600 Chabolla Avenue
Galt, CA 95632
6:00 P.M.

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Reported By: Priscilla Steele, CSR NO. 14052

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CHAD BROUSSARD: Okay. Good evening everyone.
If I can have your attention, please. Thank you.

The Bureau of Indian Affairs welcomes you to
this public hearing for the proposed Wilton Rancheria
Fee-to-Trust and Casino Project's Environmental Impact
Statement.

Can everyone hear me in the back of the room?
The Environmental Impact Statement is also
called an EIS for short. So you'll hear that term a
lot during tonight's hearing, probably.

My name is Chad Broussard, and I'm an
Environmental Protection Specialist for the Pacific
Region of Bureau of Indian Affairs or the BIA for
short. The BIA is a bureau within the Department of
Interior, which is a department within the Federal
Government. So we're a federal agency. And I will be
the facilitator for this evening's public hearing.

At the table with me is Bibiana Alvarez with
Analytical Environmental Services. Analytical
Environmental Services is the BIA's EIS consultant.
And also a table with me is a stenographer that will be
recording everything here at this hearing. Attending
the hearing also are staff from AES, which are
primarily staffing tables at the front, and also John

1 Rydzik, the Chief of the BIA Division of Environmental
2 Culture Resources Management and Safety.

3 I wanted to point out briefly the restroom
4 location. The restroom is at the back of the hall.
5 And the emergency exits, there's one back in that
6 corner, there's one over in this corner, and obviously
7 the front of the hall.

8 So the Wilton Rancheria is a
9 federally-recognized tribe that is currently a landless
10 tribe with no issued lands. Class III gaming by the
11 tribe can only occur on Indian lands. That's lands
12 held in trust by the Federal Government for the tribe
13 and lands that are eligible for gaming. The tribe has
14 submitted an application to the BIA to have lands taken
15 into trust for purposes of gaming. Before we can make
16 a decision on that application, we are required by
17 federal law to consider the potential environmental
18 impacts of that action.

19 So that is the purpose of the Draft EIS that
20 we published in December. And we're here tonight to
21 accept comments on the Draft EIS for the proposed
22 Fee-to-Trust acquisition and the subsequent development
23 of the casino by the Wilton tribe. Both spoken and
24 written comments will be accepted at tonight's hearing.
25 If you have a written letter that you'd like to submit,

1 please hand it to one of the representatives at the
2 tables at the front, or you can hand them to me.

3 We also have cards available for you to make
4 written comments. If you don't have anything to write
5 on, if you have something you'd like to say or a
6 written comment that you'd like to give, grab a written
7 comment card, fill it out, and then give it to one of
8 the representatives. Or you can mail it in prior to
9 the comment deadline, which is February 29th, 2016.

10 If you would like to make a spoken comment at
11 the hearing tonight, please fill out one of the speaker
12 cards, the little yellow cards that are available at
13 the tables, and hand them into one of the
14 representatives. Please write as legibly as possible
15 so I can understand your name. I'm likely the butcher
16 some names tonight regardless, and bad handwriting
17 doesn't help.

18 We will take speakers in the order that I
19 receive the cards. Everyone will be given three
20 minutes to speak to ensure that everybody has the
21 opportunity to give comments. After all the speakers
22 have given their comments, if there's time, I will
23 provide individuals with an additional three minutes to
24 continue remarks if you have additional comments that
25 you'd like to give.

1 That said, a public hearing is not the best
2 forum for lengthy comments just because we're
3 constrained in terms of time. If you have a lengthy
4 comment, we encourage you to submit a written letter.
5 And all comments will receive equal weight whether
6 they're spoken or written. We have, as I mentioned, a
7 stenographer here that will record your spoken comments
8 word for word so they can be considered fully as a
9 comment on the record. With that said, when you come
10 up to speak, please restate your name for the record
11 before giving your comment. And please speak as
12 clearly as possible so that the stenographer can
13 understand and accurately document your words.

14 The purpose of tonight's hearing is not to
15 have a question-and-answer session or debate of any
16 kind. We will not respond to questions or engage in
17 debate. We are here to listen and document your
18 comments. That is the purpose of this meeting. We
19 will carefully consider your comments, and those will
20 be received by the end of the comment period, which is
21 February 29th. And we'll respond to all subsequent
22 comments in the final EIS, which will be also be made
23 available for public review.

24 So now we've asked our EIS consultants, AES,
25 to provide you with a brief power point presentation on

1 the proposed action, the purpose and need, the
2 alternatives that are analyzed in the EIS, and the EIS
3 process. But first, I'd like to ask everybody to
4 please turn off your cell phones or put them on silent
5 or vibrate.

6 BIBIANA ALVAREZ: Thank you, Chad.

7 Welcome everyone to the public hearing. Can
8 everyone hear me okay?

9 As Chad mentioned, I am Bibiana Alvarez with
10 Analytical Environmental Services, and I'm going to
11 give a brief presentation on the Draft Environmental
12 Impact Statement prepared for the Wilton Rancheria
13 Fee-to-Trust and Casino Project.

14 The Draft EIS was prepared in accordance with
15 the National Environmental Policy Act, abbreviated as
16 NEPA, which requires federal agencies, in this case the
17 BIA, to analyze the environmental consequences of
18 proposed federal actions. As outlined in this slide,
19 the EIS process was initiated with the publication of a
20 Notice of Intent in the Federal Register in December
21 2013, which invited comments from interested parties
22 and public agencies on the scope of analysis and
23 alternatives to be analyzed within the environmental
24 impact statement. A report summarizing the results of
25 the Scoping Process was published in February 2014.

1 The Draft EIS, which is the subject of today's
2 public hearing, was published on December 29th, 2015,
3 initiating a comment period, and that Chad mentioned,
4 will close on February 29th, 2016. Following the
5 public review period, the BIA will prepare and issue a
6 final EIS, which will include responses to substantive
7 comments received during this comment period, including
8 those received at this public hearing.

9 The final step in the NEPA process will be the
10 BIA's issuance of a Record of Decision or ROD outlining
11 the agency's decision on the proposed action. The
12 purpose and need for the proposed action analyzed
13 within the Draft EIS is to provide a significant
14 revenue source to fund the tribal government, increase
15 funding for housing, health care, senior services,
16 social services, educational support, and cultural
17 preservation, decrease tribal dependence on federal and
18 state grants and assistance programs, provide capital
19 for other tribal economic development and investment
20 opportunities, provide new business and job
21 opportunities for unemployed and underemployed tribal
22 members, improve local communities through tribal
23 payments to local governments for use of public and
24 social services and to fund environmental mitigation,
25 and improve employment and economic development

1 opportunities in local communities.

2 As shown on the slide, the project sites are
3 located in southern Sacramento County. Alternates A,
4 B, and C are located on the Twin Cities site, just
5 north of the City of Galt and just west of Highway 99.
6 Alternatives D and E are located on the Historic
7 Rancheria site in unincorporated Sacramento County in
8 the community of Wilton. Alternate F is located at the
9 Mall site, just west off Highway 99 in the southern
10 area of the City of Elk Grove.

11 Seven alternatives were evaluated within the
12 EIS. These alternatives were selected based on
13 consideration of the purpose and need, the
14 recommendations of commenters during the scoping
15 process, and opportunities for potentially reducing
16 environmental effects.

17 This slide illustrates the site plan for the
18 proposed facilities under Alternative A. Alternative A
19 consists of the transfer of the 282-acre Twin Cities
20 site into federal trust for the benefit of the tribe
21 and the subsequent development of the casino resort.
22 The 601,780 square-foot casino resort would consist of
23 110,260 square-foot gaming floor, a 12-story 302-room
24 hotel, a 48,150 square-foot convention center,
25 restaurants, retail, and other administrative areas.

1 Additionally, a tribal festival ground would be
2 constructed on the northern portion of the Twin Cities
3 site. A new Highway 99 interchange will be constructed
4 at the Mingo Road exit to mitigate traffic impacts.

5 Alternative B consists of similar project
6 components as Alternative A, but the proposed casino
7 resort would be on a reduced scale. The reduced casino
8 resort would consist of 292,775 square feet, including
9 gaming floor, restaurants, retail, and administrative
10 areas. There is no hotel component under Alternative
11 B. The same Highway 99 interchange described under
12 Alternative A is proposed for Alternative B.

13 Alternative C would consist of the development
14 of a 686,000 square-foot community development complex
15 including a super grocery store, membership warehouse,
16 home improvement store, restaurants, and a gas station.
17 No casino or hotel will be developed as part of
18 Alternative C. However, the same alternative 99
19 interchange as Alternatives A and B is also proposed
20 under Alternative C.

21 Alternative D consists of the construction of
22 a casino resort on the approximately 75-acre Historic
23 Rancheria site, which would be taken into trust as part
24 of the proposed action. The components and square
25 footages of Alternative D are the same as Alternative

1 A.

2 Alternative E would consist of the development
3 of a smaller casino resort on the Historic Rancheria
4 site. The components and square footages would be the
5 same as Alternative B. There is no hotel component
6 under this alternative.

7 Alternative F consists of the development of a
8 casino facility resort on the approximately 28-acre
9 Mall site located in the City of Elk Grove, which would
10 be taken into trust as part of the proposed action.
11 The Mall site has been partially developed with a large
12 retail facility. However, the site currently sits
13 unoccupied. Alternative F consists of the construction
14 of the 611,055 square-foot casino resort facility that
15 includes an approximately 110,260 square-foot gaming
16 floor, a 12-story 307-room hotel tower, and a 48,150
17 square-foot convention center.

18 This show slide shows a comparison of the six
19 development alternatives. As shown on this slide, A,
20 D, and F are similarly sized but located at different
21 sites. Alternatives B and E are similarly reduced in
22 size from A, D, and F and also located at different
23 sites. And Alternative C presents a no-gaming
24 alternative at the Twin Cities site. Under Alternative
25 G, the no-action alternative, none of the development

1 alternatives considered within the EIS would be
2 completed.

3 This slide shows the various sections included
4 within the Draft EIS. The executive summary contains a
5 summary matrix table that presents the potential
6 adverse and beneficial effects, as well as the
7 mitigation measures of each alternative. This section
8 summarizes the detailed discussions of environmental
9 consequences and mitigation measures in Section 4 and 5
10 of the EIS. The introduction describes the location of
11 the alternative sites and the tribe's purpose and need.
12 It also provides an overview of the environmental
13 review process, the scoping process, agreements with
14 state and local government, and the required permits
15 and approvals for each alternatives.

16 Section 2 of the EIS includes a detailed
17 discussion and comparison of the six development
18 alternatives and a no-action alternative evaluated in
19 the EIS.

20 Section 3 details current environmental
21 conditions of each of the NEPA resource areas, which
22 will be shown on the next side.

23 Section 4 of the Draft EIS analyzes the
24 direct, indirect, and cumulative environmental effects
25 of the alternatives in each of the NEPA resource areas.

1 Section 5 provides measures that either
2 mitigate specific effects identified in Section 4 to
3 less than significant levels or to further reduce
4 impacts that are already less than significant.

5 Section 6 lists those involved in the
6 preparation of the EIS, including those that are
7 affiliated with the lead Agency, cooperating agencies,
8 federal Agencies, state and local agencies and
9 utilities, and environmental consultants.

10 Section 7 lists and spells out the acronyms
11 and initialisms used in the EIS.

12 And finally, Section 8 contains the complete
13 bibliography and list of sources consulted during the
14 preparation of the EIS.

15 As I mentioned, the alternatives were
16 evaluated within the EIS for the potential to result in
17 direct, indirect, and cumulative effects associated
18 with geology and soils, water resources, air quality
19 and greenhouse gases, biological resources, cultural
20 resources, socioeconomic conditions, transportation and
21 circulation, land use, noise, hazardous materials,
22 aesthetics, and public services including water supply,
23 wastewater services, solid waste services, law
24 enforcement, fire protection and emergency medical
25 services, energy, schools, and libraries and parks.

1 Now that the Draft EIS has been published, the
2 next steps in the NEPA process are to close the window
3 for accepting public comments on the Draft EIS, which
4 as mentioned, is February 29th, 2016, prepare a final
5 EIS which will include responses to subsequent issues
6 raised during the review period. Following release of
7 the final EIS and 30-day waiting period, the BIA may
8 issue a Record of Decision or ROD, which outlines the
9 BIA decision on the proposed action.

10 Any questions or comments on the Draft EIS
11 should be addressed to John Rydzik at the address on
12 this slide. And with that I will turn the hearing over
13 to Chad.

14 CHAD BROUSSARD: Thanks, Bibiana.

15 Now Wilton Chairman, Raymond Hitchcock, is
16 going to give an introductory statement and comment.

17 RAYMOND HITCHCOCK: Can everyone hear me fine?
18 Hello, I want to thank the BIA for conducting this
19 important Draft EIS public hearing on the tribe's
20 proposed casino-resort project. It allows you, the
21 community, to voice your comments and opinions on
22 tribe's proposed casino-resort project.

23 My name is Raymond Charles Hitchcock. I'm of
24 Miwok decent. And I'm proud to say I'm the Chairman of
25 Wilton Rancheria, the only Native American tribe in

1 Sacramento County.

2 The original Miwok Indian community of Wilton
3 Rancheria was established by the Federal Government in
4 1928. My grandfather Charlie McKean was the first
5 chairman of the tribe. Later in 1958, Wilton Rancheria
6 and 40 other Californian Native American tribes were
7 legally terminated by the Federal Government. This was
8 called the California Rancheria Act. Some 20 years
9 later, many of those terminated tribes were
10 reestablished by the Tillie Hardwick case.

11 Unfortunately, Wilton Rancheria was mistakenly left off
12 this landmark case.

13 Many of our elders, some of whom are here
14 tonight, helped start the fight to help get Wilton
15 Rancheria re-recognized. Over 25 plus years on June 8,
16 2009, Wilton Rancheria was finally recognized as a
17 restored Native American tribe. Pursuant to the
18 tribe's court restoration, the Historic Wilton
19 Rancheria is eligible to be taken into trust
20 immediately pursuant to the mandatory land-into-trust
21 the tribe has. However, the County of Sacramento and
22 City of Elk Grove were concerned about the tribe
23 putting land into trust at the Historic Rancheria.
24 They didn't want the tribe building a casino project
25 out in Wilton.

1 Out of respect for the County of Sacramento,
2 the City of Elk Grove, and the people of Wilton, the
3 tribe decided to pursue land into trust elsewhere where
4 a project of this size and magnitude would be more
5 conducive to traffic and commercial development.
6 Because the tribe is landless, it is entitled to
7 request that the government designate the tribe's new
8 lands as restored lands. Many of you may recall in
9 early 2013, the tribe originally considered the mall
10 Seven Mile site which was near Arno Road and Highway
11 99.

12 After consulting with local environmental
13 activists including Mike Eaton, the tribe was made
14 aware of many environmental issues including flooding
15 during the years of 1986 and 1997. Mr. Eaton suggested
16 that the tribe consider an alternative site that was
17 just to the south of the Seven Mile site and was within
18 the spirit influence of Galt. The current Draft EIS
19 that was reviewed among others, Alternative A, the 282
20 acres in the Galt's spirit influence, Alternative D in
21 Wilton at the Historic Rancheria, and Alternative F in
22 Elk Grove just north of the proposed outline.

23 Any of these proposed sites are current viable
24 options. Even though we have a mandatory land-into-
25 trust application at the Historic Rancheria,

1 Alternatives A and F, Elk Grove, are the tribe's
2 preferred alternatives. The tribe will seek to be
3 responsive to the feedback of local officials and
4 community to where the tribe's new home will be the
5 most perfect fit. Our property of choice will directly
6 reflect our diligent efforts to create a community
7 profit for all.

8 Our tribal membership is over 700 people, most
9 of them live within a 50-mile radius in this area. We
10 have a 62-percent unemployment rate. We have a median
11 income level of our tribe at just over 20,000 a year.
12 The tribe's rate of college graduation is only at 14
13 percent. These are staggering statistics, and we want
14 to try to reverse some of these. With this project, we
15 hope to provide many new opportunities to our
16 underprivileged membership. This project is going to
17 create jobs not only for our members but for the
18 community at large.

19 This development is going to bring up to 2000
20 full-time, good-paying jobs in South Sacramento County.
21 There's going to be hundreds of full-time and part-time
22 construction jobs over this project over the two-year
23 life of this build. We'd like to use local area
24 construction companies. We'd like to utilize local
25 business services that can provide services for this

1 project. With the Sacramento Valley being the
2 agricultural Mecca of the world and America's food-to-
3 fork capitol, we'd like to feature local produce,
4 wines, and meats in our restaurants and bars.

5 We're going to have a detailed MOU with
6 Sacramento County and all jurisdictions with
7 significant impacts from this project. This will
8 provide yearly monetary contributions to police
9 services, fire protection, road maintenance, social
10 services, and much more. With the added revenue, the
11 tribe will be able to provide many services, not to our
12 members but to the community as well. We will have the
13 ability to be premiered sponsors for local events,
14 local charities, youth sports, school programs,
15 philanthropic endeavors, and so much more.

16 Wilton Rancheria is committed to our community
17 because being a tribe means just that: Committed and
18 community. We've had to lean on federal grants and
19 local social services to provide services for our
20 members. We would now have the opportunity to be self-
21 sufficient, to provide services not only to our members
22 but to the greater community as well. To have this
23 ability would be amazing. It would be our opportunity
24 to give back to the community.

25 We're committed to being a good partner with

1 all our neighbors and jurisdictions alike. Wilton
2 Rancheria sees this project not just as a tribal
3 project. This is a community project. Please, join me
4 in support of our tribe's quest for self-sufficiency.
5 Thank you.

6 CHAD BROUSSARD: Thank you, Chairman
7 Hitchcock.

8 Now we will proceed with the public comments.
9 Remember that all comments will be limited to three
10 minutes. And we have a light-timer system up front
11 that you might not be able to see if you're sitting in
12 the back, but you'll see it if you come up to speak.
13 Basically, when you start speaking we'll set the timer.
14 And there's a little green light that will be on. When
15 you get down to one minute left, the light will start
16 blinking green. When it gets down to 30 seconds left,
17 the light will turn to yellow. And then when your time
18 is up, the light will turn to red, and we'll ask you to
19 finish up your comments.

20 Please remember to state your name before
21 speaking, and speak as clearly as possible. Also, to
22 best participate in this hearing process, I offer the
23 following ground rules and suggestions: First,
24 summarize your main points within three minutes. Be
25 specific as you can. Only substantive comments will be

1 responded to in the final EIS. So in other words, if
2 you tell us that you don't like the analysis in the
3 Draft EIS but you give no specific reasons, there won't
4 be anything that we can review and respond to. So if
5 you have specific comments, please give them to us.

6 Avoid personal attacks. We understand that
7 there may be strong feelings pro and con regarding this
8 projects. The best opportunity to state your views
9 convincingly is through a brief factual presentation.
10 Of course it's okay to disagree. The key is to do it
11 in a manner of mutual respect. I will require you not
12 to make any noises that would distract from the
13 stenographer's ability to accurately record anyone's
14 comments. In addition, if I cannot hear a speaker's
15 comments because of sidebar conversations or other
16 disturbances such as booing or clapping, I'll stop the
17 hearing until order is restored.

18 Please address me directly with your comments
19 so that I can hear what you're saying and so that our
20 stenographer can accurately record your words. The
21 hearing is not a referendum. We're not here to count
22 the number of people for or against the project. The
23 purpose of this hearing is to collect comments on the
24 Draft EIS. And all comments will be considered equally
25 no matter how many times they're made. Please limit

1 the substance of your comments accordingly. And if
2 someone ahead of you has already made your point,
3 there's no need to repeat it.

4 So we're going to call speakers. We have a
5 number of speaker cards already. So we're going to
6 call speakers in groups of three. We have some seats
7 reserved up front. So when you hear your name, please
8 just come up front and sit in the front row, and then
9 we'll call you up to the microphone to speak.

10 Sorry. We're getting a little feedback up
11 here. We'll try and stall that briefly.

12 All right. We're going to go ahead and start.
13 And if that gets worse, we'll just have to take a
14 little break while we resolve that issue.

15 So the first three are Joyce Dozier, Tracey
16 Hansen, and Lee Ann McFaddin. And again, apologies if
17 I butcher your name.

18 So Joyce, go ahead and come up to the
19 microphone, please. And restate your name for the
20 record.

21 JOYCE DOZIER: Hi, I'm Joyce Dozier. Good
22 evening, my name is Joyce Dozier, and I'm a member of
23 the Wilton Rancheria Tribal Council. And I am also a
24 resident of Galt where my family has lived for six
25 years. Thank you for the opportunity to speak a little

PH-01

1 on the historical and modern ties of our tribe has to
2 this area. And I believe the proposed project
3 strengthens not only my tribe but also my community. I
4 have also been sharing incites about Miwok Indian
5 culture with local people and groups, especially kids.
6 It has been my passion.

7 It's important for folks to understand who the
8 first people of this region were and who their
9 neighbors are today. And in the 1850s, the ancestors
10 of our tribe were promised a large reservation
11 spreading hundreds of miles through the Cosumnes River.
12 From 1928 until 1964, the Miwok people that were living
13 in Sacramento County had a small 38 track of Rancheria
14 trust land near the town of Wilton. In 1964, we lost
15 the land and our tribal recognition. In the eyes of
16 the Federal Government, we were no longer considered
17 Indian people. After some 50 years, our tribe
18 reclaimed our rightful political status. We are
19 formally recognized again, but we still have no land.
20 The actions we are discussing here would long last
21 provide a remedy for this.

22 The citizens of Wilton Rancheria deserve
23 justice, the tribal homeland to call their own, and an
24 opportunity for the following development to better
25 their lives. New land and our resort project will

PH-01
(cont.)

1 provide resources to improve the conditions for the
2 tribal and the community citizens alike. We will be
3 able to educate, house, feed, and take care of our
4 kids, adults, and elders in the manner that will give
5 them dignity and hope. For these reasons and many
6 more, I think the proposed project will have a great
7 positive effect on our tribe and community. And I
8 think it should be moved forward quickly. Thank you.

PH-01
(cont.)

9 TRACEY HANSEN: Thank you. Again, my name is
10 Tracy Hansen. I'm the fire chief with the Cosumnes
11 Community Services District Fire Department. We serve
12 the Galt and City of Elk Grove area for both fire
13 hazard mitigation and EMS services and provide
14 ambulance transport services to the community of
15 Wilton. I should make it crystal clear that the
16 Cosumnes Community Services District has not taken any
17 formal position relative to this project of any of its
18 potential project locations. Our Board of Directors
19 have not made any official position.

PH-02
(cont.)

20 My sole purpose for testifying this evening is
21 to share with you that we have a Letter of Intent on
22 file with the tribe to explore the concept of providing
23 fire and EMS services to any of the project locations
24 that are proposed this evening. We have a considerable
25 amount of work left to do to make it clear what the

1 impacts and effects of any one of those project
2 locations and whatever iteration that the project is
3 actually built. And we continue to have dialogue with
4 the tribal chairman, their legal counsel, and others in
5 exploration of that feasibility.

6 So that's the purpose for my comments this
7 evening, and I appreciate the opportunity to speak.

8 LEE ANN McFADDIN: Good evening. My name is
9 Lee Ann McFaddin, and I represent the Galt District
10 Chamber of Commerce Economic development. I've been a
11 member of the community for 25 years. I live here. I
12 work here. One of the main things that we see as a
13 chamber is jobs. It's very, very important to our
14 community and to the region. We have over 2000 jobs
15 from what I see for this area going to be given to the
16 casino. And in addition to that, the ancillary
17 businesses that would come with it. The location
18 couldn't be more perfect. It's right off the freeway.
19 It gives us highway commercial businesses that would
20 maybe not be there otherwise that will be coming along.
21 And it also helps us with housing.

22 Galt is short of a lot of businesses. We're
23 in the process of trying to get a lot more homes in
24 town, and we are doing it. But we also need to have
25 the businesses. And this is going to bring to the City

PH-02
(cont.)

PH-03

1 of Galt a lot of economic help. And I appreciate your
2 time. Thank you.

3 CHAD BROUSSARD: Okay. We're going to try a
4 new microphone and see if that solves the problem.
5 Next three speakers are Alexandra Barnhill, Steven
6 Rudolph, and John Lundgren. Please come up to the
7 front row.

8 And Alexandra, go ahead and proceed with your
9 comments.

10 ALEXANDRA BARNHILL: Good evening. My name is
11 Alexandra Barnhill, and I represent the City of Galt as
12 their special counsel on Wilton casino matters. The
13 City recently requested a 30-day extension for the
14 public comment period. The reason we did this is
15 because we need more time to review and comment because
16 this is not a traditional Draft Environmental Impact
17 Statement. It's also a Tribal Environmental Impact
18 Report and a Tribal Project Environmental Document,
19 which are CEQA-style documents.

20 We're concerned about this document being used
21 to reduce or avoid later environmental review that
22 might have otherwise occurred. If there's only one
23 opportunity for the City and this community to weigh in
24 on the impacts of such a large-scale casino project, we
25 need time to get the comments correct. As a

1 cooperating agency, the City asks that our extension be
2 given serious consideration. Building a hotel and
3 casino at the Twin Cities site will permanently change
4 the character of the Galt community. Under NEPA, the
5 City is recognized as having expertise on what those
6 local impacts would be. And the BIA is required to
7 coordinate and seek consensus.

8 It's difficult for Galt's limited staff to
9 thoroughly analyze such a large-scale project, so we've
10 engaged outside experts. We hope that our team will be
11 given reasonable time to coordinate its data and
12 educate the BIA. We believe a 30-day extension is
13 reasonable because putting things in perspective, as
14 your slid shows, it's taken over two years for the BIA
15 to draft this document. In the two weeks that the DEIS
16 has been officially noticed, our team has identified a
17 number of environmental impacts on the city that we
18 believe are not adequately addressed. The biggest area
19 of concern is that the Twin Cities site is
20 incorporated -- excuse me.

21 The biggest area of concern is that the
22 document fails to take into account that the city has a
23 pending application before LAFCo to annex the Twin
24 Cities site into its incorporated boundaries. This
25 would fundamentally affect many aspects of the Draft

PH-04
(cont.)

1 analysis. For example, the fiscal section currently
2 recognizes that the project would result in lost
3 property taxes and other revenues for the county.
4 However, if and when the property is annexed as a city,
5 those impacts would occur at the city level.

6 We recommend that the entire document analyze
7 the project near both scenarios. The current scenario
8 where the land remains in the county's jurisdiction and
9 under the scenario where the land is annexed. It
10 wasn't practical for us to provide more substantive
11 comments this afternoon, and we imagine that would be
12 difficult for the public to have done so under this
13 limited two-week time period. So we ask that you
14 consider having a meeting with the City of Galt too to
15 receive more information from our organization. Thank
16 you.

17 STEVEN RUDOLPH: Good evening. My name is
18 Steve Rudolph. I'm the city attorney for the City of
19 Galt. And I have four comments that I'd like to make
20 this evening.

21 First, there is an absence of discussion on
22 the justification in the Environmental Impact Statement
23 for the taking of the 282 acres into trust. The
24 environmental impact report states that the proposed
25 action is to take the 282 acres into trust to develop

PH-04
(cont.)

PH-05

1 the casino hotel and associated facilities. However,
2 the casino project will encompass 76 acres. When you
3 look at the other alternatives in the document,
4 Alternate D, the Historic Rancheria site, is 75 acres,
5 and Alternate F, the Mall site, is 28 acres. The 282
6 acres is almost four times the land required to build
7 the casino project.

8 A much smaller site would accommodate the
9 primary purpose and the need of the tribe for economic
10 development but would also dramatically reduce the
11 potential impacts to the city by leaving in tact much
12 of the land area planned for commercial development.
13 The city respects the tribe's need for economic
14 development, and the tribe should respect the city's
15 need for economic development by only taking into trust
16 the land area needed for the identified project.

17 The second comment I want to make tonight
18 relates to the balance of the site, the 206 acres. The
19 environmental document does not identify what the
20 balance of this site will be used for. There's no
21 commitment to leaving the balance of the site in its
22 natural state, nor do we think that that will be a
23 realistic assumption. By taking the full 282 acres
24 into trust and developing a casino project on the
25 northernmost 76 acres, it's reasonably foreseeable that

PH-05
(cont.)

1 the balance of this site will be developed.

2 The most probable scenario for use of the
3 remainder of the site is commercial development, which
4 is similar to that identified in the City of Galt
5 general plan for possibly a range of uses including
6 commercial business and professional uses and possibly
7 some residential use. Regardless, the environmental
8 document should have evaluated some resembled level of
9 development on the remainder of the site if the full
10 282 acres is to be taken into trust. This analysis
11 will allow to public as well as the agencies that will
12 be making decisions on this project the ability to look
13 at the full environmental impacts from the use of the
14 282 acres.

15 Further, there's no process available after
16 the 282 acres is taken into trust to evaluate the
17 environmental consequences of development on the site
18 and to provide the mitigation of environmental impacts
19 after the property is taken into trust. Unless an
20 evaluation of the environmental impacts of development
21 is undertaken now, prior to the time it comes into
22 trust, there will be no opportunity for this
23 evaluation. Thank you.

24 JOHN LUNDGREN: Good evening. My name is John
25 Lundgren. I'm the senior planner environmental analyst

PH-05
(cont.)

PH-06

1 representing the County of Sacramento. The County has
2 been participating in the federal EIS process as a
3 cooperating agency and we are currently carefully
4 reviewing the Draft EIS.

5 Additionally, we have been meeting with the
6 Wilton Rancheria to discuss the mitigation for impacts
7 to Sacramento County from the proposed project. Thank
8 you in advance for continuing to include Sacramento
9 County in the process.

PH-06
(cont.)

10 CHAD BROUSSARD: Thank you.

11 Okay. The next three speakers are Lee
12 Acebedo, Rose LaVine, and Ann Ullrich. Please come up
13 to the front row here.

14 LEE ACEBEDO: Good evening. Lee Acebedo. I
15 am the executive director of the California Nations
16 Indian Gaming Association. We represent 33 tribes
17 across the State of California. 26 of which have
18 gaming. The remaining are at some point in the stage
19 of developing gaming. So our tribes we represent range
20 from southern California up to the Oregon border both
21 at the Smith River and Yreka.

PH-07

22 I just wanted to address, if I could, for just
23 a few moments some of the positive economic impacts
24 that gaming can bring to communities. One of the
25 things that as an association we have done is, we have

1 surveyed our tribes over the past four years now.
2 We're actually on our third economic impact study with
3 our tribes. We began in 2012, and we just are wrapping
4 up our most current study. Some of the more important
5 things I'd like to share with everyone is that
6 statewide in the 2013 study we completed and released
7 last year, we saw \$63 million in expenditures per
8 tribe. Mostly for advertising, administration, food,
9 drink, and gaming.

10 But it's important to also note that each
11 dollar that a casino is spending or generating also
12 generates another \$1.10 for the community in terms of
13 economic activity. The average wage of employees is
14 \$14.80 per hour, which is relatively high for an
15 industry that with many jobs does not require high
16 school or other higher education. So we support
17 roughly \$4.5 billion in economic activity here in the
18 State of California. So our tribal members that live
19 on the reservations are exempt from taxes. However,
20 the members that live off the reservation, such as
21 myself -- and I'm from southern California -- we are
22 responsible to pay taxes, federally and state.

23 It's also important to note that 90 percent of
24 the employees and the workforce in the casino are non
25 tribal members. So tribal gaming expenditures also go

PH-07
(cont.)

1 through things and do things like motor vehicles
2 licensing, we pay our sales tax, severance taxes,
3 things like that. Overall, we also support other non
4 gaming tribes through the Revenue Sharing Trust Fund.
5 So gaming tribes will contribute to those funds, and
6 those tribes get to experience and share in the some of
7 these economic benefits. So we see a total of about
8 25.3 million per year that goes into the Revenue
9 Sharing Trust Fund. We've also seen an uptake in
10 charitable contributions of about 36.6 million per
11 year. So getting that, we're okay.

12 Two more important notes. 56,000 jobs in the
13 gaming industry in California. 14,000 tribal gaming
14 jobs.

15 So those are the important notes that I wanted
16 to share with you this evening. I also have a copy of
17 the study if you'd like to have that.

18 ROSE LaVINE: I'm Rose LaVine. I'm with the
19 Galt Chamber of Commerce, and I'm also a business owner
20 and resident of Galt. I'm really excited about the
21 Wilton Rancheria coming to Galt. We can really benefit
22 from the tax revenue and the jobs. The location on the
23 west side of the freeway on -- the west side of 99 has
24 been blinded for years. It's also easy access to 99
25 and Twin Cities for I-5 traffic.

PH-07
(cont.)

PH-08

1 The added benefit of having more people come
2 to Galt will have a positive effect on our local
3 businesses. The hotel casino resort will attract
4 families for the swimming and event center. Since Galt
5 is not a destination location, I feel that the project
6 will attract new people to Galt in a positive way.
7 While the hotel casino resort customers are visiting,
8 they'll discover all of Galt's hidden treasures like
9 the Old Town area wineries and the Cosumnes River
10 Preserve.

PH-08
(cont.)

11 Also, the tribe's commitment to handle traffic
12 or any other issues that might impact our area will be
13 an added bonus. Many of the tribe members live and
14 work in Galt, so they have a vested interest in our
15 town. For these reasons, support the Wilton Rancheria
16 and ask that the BIA move forward with this project.

17 ANN ULLRICH: I am Ann Ullrich. I also serve
18 on the Galt Chamber of Commerce board. I've been a
19 resident of the Galt and Wilton areas for most of my
20 life. The Chamber is here to support the Wilton
21 Rancheria in their endeavors because we believe it will
22 be a positive economic contribution to our already
23 existing business community and will also create more
24 jobs along with -- help with the infrastructure that
25 will both support, again, our local businesses that are

PH-09

1 here and to bring more to town.

2 As co-chair of the Shop Local Committee that
3 was established to help showcase our local businesses
4 and encourage residents to spend their money in our
5 town, I believe that the fact that the Wilton Rancheria
6 tribe is composed of many local residents will also be
7 a positive as well with their already active
8 participation in the community.

9 In conclusion, we support the Rancheria's
10 project and look forward to working with them so that
11 Galt can be a better business climate so that our local
12 economy can thrive in the future.

13 CHAD BROUSSARD: The next three speakers are
14 Sergeant Martinez, Dorothea Theodoratus, and Dahkota
15 Brown. Please come to the front row.

16 SERGEANT JAMIN MARTINEZ: Good evening. My
17 name is Jamin Martinez. I'm a sergeant with the
18 Sacramento County Sheriff's Department. I'm a member
19 of the Sheriff's executive staff. And I'm just here to
20 express to you, as well as the citizens behind me now,
21 we have been in active discussions with the tribe
22 regarding law enforcement services, and we are prepared
23 to provide as many services as needed. And that's
24 basically all I have to say this evening. Thank you.

25 DOROTHEA THEODORATUS: I'm Dorothea

PH-09
(cont.)

PH-10

PH-11

1 Theodoratus, a professor of anthropology and Native
2 American studies at CSUS. I'm an anthropologist, and
3 I've worked over 50 years with Native Americans
4 throughout the central valley and northern California.
5 I'm presently researching Wilton Miwok cultural
6 history, and they are classified as Plains Miwok.

7 I can verify that the Wilton Miwok have
8 anthropological and historical connections to Galt and
9 the surrounding area in Sacramento and San Joaquin
10 County. Archaeologists tell us they planned this area
11 at least for a thousand years and probably much longer.
12 Non Indians came here early in the 1880s. The mountain
13 men found the Indians to be a constant irritant, and
14 they dealt with them roughly. By 1839, the Sutters
15 settled immediately north and enslaved hundreds of
16 Plains Miwok. Vallejo had already enslaved many year
17 for his endeavors in the north Bay Area.

18 The Missions began recruiting Plains Miwok in
19 1811, but the Miwok were resistant, always trying to
20 escape and return to what they perceived as their own
21 land. By 1850, many had been forced to Mission San
22 Jose, and by 1840, there were 874 of the local Miwok in
23 that Mission. This was followed by Mexican authority,
24 which was followed by statehood. New diseases severely
25 reduced their population numbers. This was a fierce

PH-11
(cont.)

1 area in those years, and surviving was difficult. But
2 those that did always made effort to return to their
3 that traditional area, an area they care about very
4 deeply.

5 This area is close to the Historic Rancheria,
6 and it has the Hicksville Cemetery, the location where
7 so many of the ancestors have been interred since the
8 1800s. One person interred at Hicksville is traced
9 back to the 1840s, when at age 10, he was indentured to
10 a farmer here in Galt. He became a respected integral
11 part of this community. His descendants are active,
12 participating members of the Wilton Indian community.
13 For Native people, territory has a deep meaning far
14 beyond what most of us perceive. Throughout
15 California, I found tribes staying in traditional lands
16 and having a profound influence in the development of
17 these lands.

18 This is the case for the Wilton Miwok. They
19 have historical and modern ties to Galt. The law
20 entitles them to restore tribal land under the historic
21 lands clause of the Federal Gaming law. I urge the
22 community to consider this positively. Thank you.

23 DAHKOTA BROWN: Good evening. I'd like to
24 thank you for allowing me the opportunity to speak
25 tonight in support of the Wilton Rancheria Resort

PH-11
(cont.)

PH-12

1 Project. My name is Dahkota Brown, and I'm a proud
2 member of the tribe where my great grandmother Jane
3 Brown was an original Ahwahneechee. I'm 17 years old
4 and currently a senior at Argonaut High School. I was
5 recently accepted through Restrictive Early Action at
6 Stanford University. As a soon-to-be college student,
7 one of my biggest concerns is how I'm going to be able
8 to focus on school, clubs, and running a nonprofit all
9 while having to worry about affording college.

10 With the operation of the planned resort,
11 Wilton would be able to help students like myself
12 afford college. This is a huge deal because currently
13 in the United States, Native American students have the
14 highest dropout rate, lowest graduation rate, and least
15 numbers represented in college of the ethnicity. With
16 implementation of the Wilton Rancheria Resort, our
17 tribe would be to promote higher education and ensure
18 students don't become statistics. Wilton tribal
19 members wouldn't be helping only their own children but
20 those in the local community schools as well.

21 In the Miwok language, there is no word for
22 "I" or "me," because it is our custom and tradition to
23 care for the community and therefore we say "us" and
24 "our." And this project will benefit all of us. As I
25 mentioned earlier, I run my own nonprofit, which is

PH-12
(cont.)

1 called Native Education Raising Dedicated Students or
2 NERDS. NERDS is a peer-to-peer mentoring program to
3 help 7th- through 12th-grade students succeed in school
4 and plan for the future. Through this program, I've
5 seen the devastating statistics firsthand. Wilton
6 Rancheria operates the NERDS club, and our students are
7 doing quite well. Many can go to college and become
8 doctors who could work in the tribe's medical center,
9 lawyers who can work in the tribal court, culinary
10 experts who can work in the resort restaurants, and
11 business majors who can be future CEOs.

12 As you can see, I have big plans for our
13 tribe, mainly concerning education. But there's so
14 much more that Wilton would be able to provide. Truly
15 I envision a long, overdue education center, but also a
16 senior center to care for our elders, a medical center,
17 tribal court, cultural center, rehabilitation center,
18 and tribal housing. With self sufficiency the
19 possibilities are endless, and I hope to work hands-on
20 to create some of these opportunities. I plan on
21 majoring in political science and government while in
22 college so I can return to serve the tribe.

23 The Wilton Rancheria Resort Project won't just
24 benefit tribal members but all surrounding communities
25 as well. I'm extremely confident in our people to work

PH-12
(cont.)

1 with the local county residents to complete a plan for
2 positive productive relationships that will bring
3 careers and city improvement for years to come. And
4 I'm excited to move forward. Thank you.

PH-12
(cont.)

5 CHAD BROUSSARD: So the next three speakers
6 will be Elena Tarango, Antonio Ruiz, and Melissa Leal.

7 ELENA TARANGO: Good evening. Thank you for
8 allowing comments on the proposed project and the
9 impact it will have on the community. As mentioned, my
10 name is Elena Tarango, and I'm the Director of Health
11 for Wilton Rancheria where I am also a tribal member.

12 I support the project, which will increase
13 opportunities for not only my department and tribe, but
14 the greater community as well. As the Director of
15 Health for a newly recognized tribe, my job is to
16 assess, create, and build health programs that will
17 directly benefit members of our tribe and the
18 surrounding native community and also the community at
19 large. The lingering effects of termination still
20 impact our tribe and have a direct link to the low
21 numbers of members with health insurance, access to
22 tribal health care including drug rehabilitation
23 programs and wellness facilities.

PH-13

24 As seen in table 3.7-1, Wilton Rancheria's
25 demographics, displayed one side of age population with

1 greater than 40 percent of the members under the age of
2 18. Of those assessed, greater than 60 percent are
3 below federal poverty line. As seen in page 13,
4 Appendix C, greater than 30 percent of our members are
5 without health insurance. And the nearest indian
6 health facility is about one hour away, which requires
7 reliable transportation. The health funding they
8 receive, as stated earlier, is not adequate to meet the
9 needs of our members. I see on a daily basis what lack
10 of funds and resources lead to: Unhealthy infants,
11 children, mothers, grandfathers, aunties, cousins, all
12 members.

13 This project will help us to address many of
14 our tribal health cares. We will be able to ensure all
15 members create the wellness facilities, drug
16 rehabilitation programs, transportation program, and
17 ultimately a tribal health care clinic with medical,
18 dental, and behavioral health care services. Because
19 members of surrounding native and nonnative communities
20 will be able to utilize the clinic, more than just
21 Wilton Rancheria tribal members will benefit. Creating
22 these programs will also generate numerous employment
23 opportunities open to all members of community. In the
24 success of nearby Shingle Springs tribal health clinic
25 demonstrates how tribal economic development benefits

PH-13
(cont.)

1 many stakeholders, native and nonnative alike.

2 I am excited by the many possibilities this
3 project presents. I look forward to the day where our
4 tribal community is self-sufficient and relies less on
5 the grants and funds on our trust relationship with the
6 Federal Government, funds that are not guaranteed and
7 continue to increase annually. As a tribal community
8 on the move, slowly correcting the damage of predation,
9 we cannot rely on dwindling shared dollars.

10 In conclusion, I believe this project will
11 have a direct positive impact on our tribal health
12 program as well as the surrounding community. And I
13 ask for your support in carrying this project forward.
14 Thank you for your time.

15 ANTONIO RUIZ: Hello. My name is Antonio
16 Ruiz, and I'm the Culture Resource Officer for Wilton
17 Rancheria. I have worked on this build for nearly a
18 decade and for this tribe for the last year and a half.
19 I'm also a tribal member of Wilton Rancheria and a
20 resident of Sacramento County. The proposed Wilton
21 Resort Project will support my office activities in
22 ways likely to benefit both our tribe and community at
23 large. Our mission is to protect places of cultural
24 significance and preserve sacred sites and artifacts
25 for our tribe and future generations to come.

PH-13
(cont.)

PH-14

1 In carrying out these duties, we work closely
2 with federal, state, and local government agencies that
3 communicate with our office on a daily basis requesting
4 formal consultation for proposed projects that are
5 under their jurisdiction and within our ancestral
6 territory. Our work is so important for a tribe like
7 ours that its history, if not its existence, erased for
8 nearly half a century and is still trying to call back
9 the losses that resulted from its unlawful termination.

10 Financial support from the project will help
11 reverse these losses and enhance true tribal
12 sovereignty. We will be able to put the pieces of our
13 history and culture back together again by building a
14 cultural center, revitalizing traditional practices
15 such as language, songs and dances, and providing
16 public outreach programs to the greater non-Indian
17 community. Culture enrichment benefits not only Wilton
18 tribal citizens but other native people of the region
19 as well as nonnative people eager to understand and
20 experience the full richness of the area's history.
21 Reason on growth and development may also benefit
22 better, more predictable funding from the project means
23 we won't have to rely on government grants to hire and
24 train staff needed to keep up with the steady stream of
25 request for cultural consultations.

PH-14
(cont.)

1 Regarding our own project, the DEIS document
2 indicates no known cultural resources of significance
3 in any of the proposed alternative sites and therefore
4 little anticipated impact on cultural resources. Just
5 in case litigation measures have been identified in
6 section 5.6 of the DEIS for the treatment of
7 unanticipated archaeological discoveries, which my
8 office would be responsible for managing.

PH-14
(cont.)

9 In summary, I appreciate you taking my
10 comments into consideration and giving us the
11 opportunity to comment on this project. I ask that we
12 have the full support of you and the greater community
13 to move this project forward without any delays. Thank
14 you for your time.

15 MELISSA LEAL: Good evening. My name is
16 Dr. Melissa Leal. I'm Esselen and Ohlone and are
17 descendants of a known federally recognized tribe here
18 in California. And I also said (IN MIWOK), which means
19 "hello" in Miwok.

20 Currently -- I actually graduated from Galt
21 High. So I love this community, and I'm here because I
22 love this community. I have five generations of my
23 family currently living in Galt, so this project not
24 only means something to me because I'm an employee of
25 Wilton Rancheria, but also because it will benefit my

PH-15

1 family and my family's family that have been here in
2 Galt for many, many years.

3 I've been working with Native American youth
4 for more than 15 years, and I currently serve as the
5 Director of Education for Wilton Rancheria, which means
6 that my job is to ensure that all of the tribal
7 children are successful in school, that they graduate
8 from high school and they go onto college or vocational
9 training or a really great job. That can be really
10 difficult, and Dahkota mentioned some of those reasons.
11 Native American students have the highest high school
12 dropout rate. That's not really any different from
13 Wilton Rancheria. They also have the highest rate of
14 incarceration of any ethnic group in the country.

15 These obstacles can be reversed. It really
16 takes resources and committed educated people to work
17 with young people. What can gaming do for us in
18 regards to education at Wilton? Well, the financial
19 support that gaming can provide will allow my
20 department to provide tutoring, scholarships, youth
21 programs, summer programs, mentorship, cultural
22 linguistic programs, anything that we can do to allow
23 our tribal children to be successful in the classroom
24 and in their everyday lives. And those classrooms are
25 your public schools in the county. So our students are

PH-15
(cont.)

1 going to your schools. So if our students are
2 succeeding, your schools are succeeding too.

3 Tribal government gaming revenue will allow
4 the tribe's programs to teach children not only
5 academics, but to teach them that they are important
6 and that they have something great to offer the
7 community. It will help me and other staff to help
8 raise educated, compassionate, effective leaders.
9 Casino revenue also filters into the local schools and
10 will benefit all children, not just tribal member
11 children. Many gaming tribes have community-giving
12 campaigns that support local schools and nonprofits,
13 provide scholarships.

14 I was the recipient of a scholarship. I'm the
15 only person in my family to go to and graduate from
16 college, let alone get a PhD. I wouldn't have been
17 able to do that if it wasn't for gaming tribes
18 affording me a scholarship to continue my education.
19 It will also help fund nonprofits and all these things
20 within the Galt and surrounding communities.

21 So for these reasons and for my passion and
22 love for youth and for this community, I wholeheartedly
23 promote, respect, love this project.

24 CHAD BROUSSARD: Okay. The next three
25 speakers -- and I want to thank everyone for being so

PH-15
(cont.)

1 quiet and respectful while everyone is speaking. That
2 really helps.

3 Next three speakers are Carrie Yuhre, Nova
4 Mastrogiovanni, and Lisa Jimenez.

5 CARRIE YUHRE: Good evening. My name is
6 Carrie Yuhre, and I'm in support of the casino. I've
7 been a resident of the area for 25 years. Prior to
8 moving to this area, I lived in the Capay Valley area,
9 better known as Cache Creek Casino. I have firsthand
10 experience with a casino and what it can do for a
11 community. Capay Valley was recognized for their
12 agricultural land and their small-town feel. Not many
13 residents of the Valley were excited about a casino. I
14 have to say that the casino came, and the community has
15 embraced it.

16 The fear of losing a small-town feel and the
17 impact on the environment has brought many jobs. And
18 the casino has partnered with the community and
19 embraced the partnership of other businesses, the
20 organic farms in the area. The wineries, the casino
21 has partnered with them to use their products and to
22 sell their products in their casino. I think people
23 look at a casino as just a gaming location and are
24 unaware of what it can do for the community. It is a
25 resort with fine dining, entertainment, impeccable

PH-16

1 luxury rooms, day spas, a place to hold events, and
2 bring a footprint to the area that is embraced by a
3 benefit to all, as everyone has said gracefully.

4 For what I see in Galt, it should embrace the
5 casino as an ongoing development and footprint for the
6 community. There's so much that comes out of the
7 gaming and casino that is far beyond, what I think some
8 people look at as a negative impact, as a positive one.
9 And I'm just in support of it. Thank you.

10 NOVA MASTROGIOVANNI: Thank you. You're one
11 of the few people that actually got my last name right
12 on the first try.

13 My name is Nova Mastrogiovanni. And I
14 understand that there are a lot of pros and cons to a
15 casino and any town in any state. However, there are a
16 couple things that I don't feel have been addressed
17 yet. One of which is the water supply. We just went
18 through our lawns turning brown because the City had to
19 ration our water, and we still didn't make the state
20 mandates on our water supply. So where's the water
21 coming from to support this project? Because that's
22 millions and millions of gallons of water going out
23 every single day for a project of this size.

24 The other thing I haven't heard addressed:
25 Yes, the map showed a new interchange at Mingo Road,

PH-16
(cont.)

PH-17

1 where there are a lot of cattle trucks also going off.
2 I've commuted several years between here and Sacramento
3 and most recently between here and Stockton. You can't
4 put this kind of traffic on our freeway. It has
5 sometimes taken a couple of hours to get from Lodi
6 because a truck crashed out here on 99. We just
7 recently had two or three truck wrecks up here on
8 Dillard.

PH-17
(cont.)

9 So you've got a big interchange at C Street,
10 and you're going to put another big interchange at
11 Mingo Road, but you're not doing anything to expand the
12 highway between here and Elk Grove or between here and
13 Stockton. 99 can't support this kind of a project.
14 Thank you.

15 LISA JIMENEZ: For correction, there's two
16 Sacramento County tribes. We're one of them. My name
17 is Lisa Jimenez. I'm a chairwoman of the Historical
18 River Valley Miwok Indians. My mother served for 20
19 years on board with Wilton Rancheria. I'm the great,
20 great, great granddaughter of Aleck Blue, who was
21 founder of the Rancheria.

PH-18

22 The Historical River Valley Miwok Indians are
23 and in from around the rancheria. At its earliest
24 existence and creation as a land base for homeless
25 California Indians, our tribe currently has a

1 membership of 30 adults and 53 minors. In 2009, we
2 were disenrolled from the Wilton Rancheria. I use the
3 term "disenrolled" because we have always been a part
4 of Wilton. The east historical families, the Blues,
5 the Browns, the Taylors, fought along with the other
6 families to restore Wilton Rancheria to its federal
7 recognition.

8 However, after recognition, the (INAUDIBLE)
9 created the constitution that excluded the historical
10 families from the tribe. This is the litigation that
11 provided that the Wilton Rancheria would be restored to
12 its original tribe and original constitution. We have
13 always been and will be part of the Wilton Rancheria.
14 Today I'm here to provide the comments of the Draft of
15 the EIS. I am not an attorney nor an expert in
16 environmental matters, but I do understand that the
17 National Environmental Protection Act requires that the
18 EIS informs decision makers and the public of the
19 reasonable alternatives which would minimize the
20 adverse impacts and enhance the quality of the human
21 environment.

22 NEPA requires an actual analysis to project
23 impacts. The EIS may not simply defer to the NEPA
24 analyst, to some future dates, or to some other
25 entities. I am certain that the DEIS is deficient in

PH-18
(cont.)

1 many areas, but I want to address the historical and
2 cultural references in the documents. It's just plain
3 wrong, or it just doesn't provide enough information.
4 In many areas, the DEIS uses the history of the
5 families that it excluded from the tribe. This tribe
6 and their Draft EIS could not have fit both ways. Use
7 our history to serve to secure your casino's fight but
8 then exclude us from the tribe.

9 Specifically, the culture section of draft of
10 the EIS are insufficient for the following reasons:

11 The DEIS states that the Hicksville Cemetery is tribal
12 cemetery. However, the cemetery is dedicated to the
13 Aleck Blue family and they must request our permission
14 in order to be buried on our family roads. Otherwise,
15 they should bury on the non Indian side. The cemetery
16 is managed and used by the historical families. The
17 Wilton Rancheria have no claim to the cemetery and
18 cannot use this location to accomplish a connection to
19 the project site. The DEIS states that no cultural
20 research --

21 CHAD BROUSSARD: Ma'am, your time is up. If
22 we have time at the end of the hearing, you can have an
23 additional three minutes.

24 Okay. The next three speakers please come to
25 the front row. Derek Glantz, Al Baldwin, and Chris

PH-18
(cont.)

1 Newell.

2 DEREK GLANTZ: Hi, my name is Derek Glantz.
3 I'm the Vice Chairman of the Historic River Valley
4 Miwok Indians. There are two tribes in Sacramento
5 County, not just one. I would like to speak about the
6 character of Wilton Rancheria and would like to warn
7 you about doing business with them. Approximately 20
8 plus years ago our tribe at one time was going for
9 recognition. We worked together and we were recognized
10 but quickly voted out of the trust upon recognition.
11 Our family members who were even on the tribal board
12 were voted out.

13 Our families were part of the Wilton Indian
14 Rancheria and lived there for many years and are on
15 many senses. They used our family name to be
16 recognized. This was a dirty move by Wilton Rancheria.
17 The group I'm apart of now has been trying to educate
18 people in this area about our ancestors and the Indian
19 ways of the Serrano. We continue to be involved in all
20 areas of the community and tribal affairs and will
21 continue.

22 They excluded some of the Census. And they're
23 not okay to use our information. We were ticked off by
24 one word, of shell to may, just like in their EIS
25 report. Thank you.

PH-19

1 AL BALDWIN: Good evening. My name is Al
2 Baldwin. I'm a very concerned citizen of Galt. And
3 this is a community of character. It's been going on
4 and on and on. I respect the Miwoks. I've dealt with
5 the Miwoks in different projects, and I think they're
6 blue number one.

7 Galt is a bedroom community. It's getting out
8 of that, but it is. We've been growing slowly. All of
9 a sudden, this thing is going to take off like a
10 rocket. And I'll tell you what, in Galt we don't have
11 enough highway for the cars that are going to be in
12 Galt. We don't have the transportation for something
13 like this. But, you know, it may not be a bad idea for
14 the ones that really want it. 15, 20 minutes away from
15 here, we'll still get all the benefits; jobs, maybe
16 volunteer money, maybe other things. 15, 20 minutes
17 away.

18 We had a Wal-Mart planned just over the
19 freeway here that was even bigger than what they're
20 doing, and that was taken out. We are growing slowly.
21 People move here because they don't want all the hustle
22 and bustle. We're getting more schools being built
23 here. We need families here. And 20 minutes away to
24 Lodi, 15 minutes to Lodi, 20 minutes to Elk Grove, 15
25 minutes to Wilton, we can live with that. But to have

PH-20

1 it here, you know, when our kids want to go out on
2 their bicycle -- ride their bicycles, there's a lot of
3 things that can happen. I would say respect the
4 Miwoks. If they want to build, I would say 15 minutes,
5 20 minutes away from here freeway, go for it. But
6 Galt, people move here for a reason. It didn't just
7 happen. And it's been developed over the years.

8 So if you want a casino 20 minutes away isn't
9 going to hurt you. This is a great idea 20 minutes
10 away. We don't have the traffic under control that we
11 can control the thousands of cars. And we're going to
12 have six lanes on 99. That's going to bring even more
13 cars without this. Be ready for the big one. There's
14 probably going to be some kind of recession in the next
15 year and a half. And there's going to be a big hell
16 about that one.

17 So think about this, people. You're asking
18 for it. And remember, if you dream on it and you want
19 it, be careful you may get it. And this is one of
20 them. I'm for it for the Miwoks. I think they're
21 deserving, but not in my backyard.

22 CHRIS NEWELL: Good evening. My name is Chris
23 Newell. I've been in this community for over 30 years
24 now. Moved here in 1986, and in 1995 I started a
25 business here. I'm going to speak in regards to the

PH-20
(cont.)

PH-21

1 benefits for businesses for this Rancheria to come in
2 here.

3 If the Wilton Rancheria uses the local
4 businesses to supply, stock, identify the casino, the
5 restaurant, and the resort, it will be a huge shot in
6 the arm for local businesses. I'm going to speak
7 personally for me as a business owner here. If the
8 Rancheria uses and does what they say they were going
9 to do and use local businesses, I would have to
10 increase by purchasing new equipment, increasing my
11 building size, hiring people that are not just
12 minimum-wage workers. They have to be skilled to do
13 the things that we do. So not only will they be hiring
14 people outside for working in their Rancheria, but
15 they'll also be hiring people to support other local
16 businesses that come in to this area.

17 I could go on about the benefits of this
18 project, but I feel that the economic viability that
19 would supply the local business here is not a drawback,
20 because I think that Galt could use it right now. We
21 have no other -- we just got a Wal-Mart. Like I said,
22 I've been here 30 years. The commercial growth we're
23 talking about that's 30 years, I've seen McDonald's
24 come in here, and I've seen a Wal-Mart come in here.
25 So I believe that this would be a viable, economic

PH-21
(cont.)

1 growth for the City of Galt.

2 CHAD BROUSSARD: The next three speakers are
3 Gary Yuke, Mel Shamblen, and Laree Bermudez.

4 Gary Yuke?

5 Okay, Mr. Shamblen.

6 MEL SHAMBLEN: I'm Mel Shamblen. I'm the
7 General Manager of Comfort Inn & Suites here in town.
8 My first impression when I heard about the Rancheria
9 was, "Well, 300 rooms? It's going to kill me." My
10 area director just finished a study of all the hotels
11 in her area that are affected by these hotel casinos.
12 Every one of them has had a positive effect on the
13 hotels in the area. Increased revenues, increased
14 occupancy. I don't see a problem at all with the
15 Rancheria coming here. It's going to be a boon to our
16 area.

PH-22

17 LAREE BERMUDEZ: Hi, my name is Laree
18 Bermudez. And my husband and I, even though we have
19 lived in the area for 35 years in the Elk Grove area
20 and South Sacramento, we recently about a year and a
21 half ago purchased a home right off of Twin Cities and
22 the railroad tracks for over a half million dollars
23 along with about 75 of our neighbors. And our concern
24 is, since we are so close to Twin Cities Road and the
25 property, even though the complex is supposed to be up

PH-23

1 close to Mingo, there's property all the way down in
2 trust to the Twin Cities Road.

3 Twin Cities is the main thoroughfare. Even
4 though it's a small two-lane country road, it's the
5 main thoroughfare between one of them, between I-5 and
6 99. It also has the traffic of the Rio Cosumnes
7 Correctional Center, which, you know, is a substantial
8 amount of personnel going back and forth during shift
9 changes. It also handles the traffic of the
10 Correctional Officer Training Center, along with all
11 the farms, small ranchettes like ours. If access to
12 Twin Cities Road would somehow -- I'm sure there was a
13 reason that they put it all the way down to Twin Cities
14 Road because they probably planned on using it at some
15 point as an access point. That would be a major
16 problem for that little country road with all of that
17 traffic that would be along there.

18 There's also the railroad tracks, major Union
19 Pacific railroad tracks. 30 to 45 trains go by every
20 day. And I know because our property backs up to it,
21 and sometimes the trains stay there for two or three
22 hours waiting for a higher priority train to go through
23 blocking the access. That would be a major problem.
24 And it wouldn't make sense to have the trust land all
25 the way down to Twin Cities had they not planned on

PH-23
(cont.)

1 using it at some point when they expand this mega
2 complex at some point in the future, which is what
3 other casinos have done.

4 Galt, it's a small town. And it's renowned
5 for its bird preserves, its performing arts, animals
6 reserve, and for being country, small ranchettes for
7 families. Very family oriented. I don't think it's a
8 good fit for this casino to come in. The biggest,
9 tallest building we have is the 3-story Comfort Inn.
10 Like the gentleman said, we just got a Wal-Mart. And
11 it's not a good fit. The infrastructure there at the
12 exit off of 99, and it's already there. The highways,
13 it's not surrounded by any homeowners. I don't want to
14 lose value in my half-a-million retirement home. Thank
15 you.

16 CHAD BROUSSARD: Next three speakers will be
17 Alice Henderson, Matt Weaver, and Kathy Diaz.

18 ALICE HENDERSON: Hello, my name is Alice
19 Henderson, and I am a lifelong resident of Galt. I
20 stand before you today in favor of the Wilton Rancheria
21 Casino and Hotel. Galt needs new jobs, and Galt needs
22 good jobs.

23 This project and the resulting businesses will
24 bring 5,630 new jobs to our community. And nearly 2000
25 of those jobs will be permanent. Who here does not see

PH-23
(cont.)

PH-24

1 the incredible value that those jobs will bring to our
2 community? I worked in the Galt School District for
3 more than 20 years in our school cafeterias. I can't
4 even tell you how many families I saw struggling to
5 make end's meat. These jobs will change lives forever.

6 There will be construction-related jobs,
7 architectural engineering and related services, food
8 services, wholesale trade businesses, real estate
9 establishments, employment services, health
10 practitioner offices, and retail stores are expected to
11 expand as a result of building the resort. And these
12 aren't dead-end jobs. Many of these jobs will be
13 managerial positions offering technical and vocational
14 training as well as a career ladder of opportunity for
15 local job seekers.

16 With our state economy improving, we know that
17 these will need to be well-compensated jobs with
18 competitive benefits. Galt needs these jobs, and with
19 only 400 adult members of the tribe, more than 82
20 percent of the jobs will go to members of Galt and
21 neighboring communities. The Wilton Rancheria Casino
22 and Hotel Project will ultimately add \$1.1 million each
23 day to our local economy.

24 So let's do the right thing and support this
25 great opportunity to enhance lives of so many of our

PH-24
(cont.)

1 Galt residents. Thank you, and good evening.

2 MATT WEAVER: Hi, my name is Matt Weaver.
3 I've lived in Galt all my life. I presently own my
4 home and reside with my wife and two children. I also
5 work in Galt. My family and I are in favor of the
6 Wilton Rancheria Project. I have seen my town grow
7 over the years, and it has all been good growth. This
8 project will bring so many positive activities in my
9 community. The restaurants will give us more options
10 for dining. The convention center will have limitless
11 possibilities not only for concerts and conventions,
12 but our school functions as well, such as proms and
13 graduations.

14 An additional hotel to our town is desperately
15 needed. The full spa that all the women in Galt
16 including my wife will enjoy. And, of course, the slot
17 machines for our adult entertainment and fun. I have
18 personal friends in the Wilton Rancheria tribe, and I
19 know they are good people. I'm sure they will make
20 good decisions in creating and completing this project
21 while keeping my community in mind. Thank you.

22 KATHY DIAZ: Hi, my name is Kathy Diaz. I
23 live in the Herald area which is near Galt. So it's
24 considered part of the area of influence. Referring to
25 the Environmental Impact Study, I don't believe -- it

PH-25

PH-26

1 actually states that it is not consistent at this point
2 with the County's plan. And also, I would like to
3 point out especially for the City Council Members that
4 may be present or may be reading these transcripts
5 later on, that that area has actually been -- the area
6 around the Twin Cities area -- the proposed location
7 has been selected or has been designated to remain as
8 farmland until the year 2030, which means you are also
9 looking at changing that plan.

10 And I am not sure from what I've heard from
11 people in Galt that there's been a transparent or clear
12 process here because there are people who work to put
13 that in place, and apparently that's going away. We're
14 talking about a quantitative change that will change
15 the quality of life for everyone in the area. We're
16 looking also at transferring this into a trust. We're
17 looking at a potential loss of revenue and opportunity
18 loss because with the area here, we have all looked at
19 this as growing slowly but still growing and
20 developing. And again, I'm an economist. I'm not
21 against the development. I'm just against disorganized
22 impoverishing development or negative growth that will
23 have unintended consequences unless they're carefully
24 mentioned or prepared for.

25 They are asking us in terms of crime. They

PH-26
(cont.)

1 are asking us to accept that an existing low crime rate
2 is equivalent to a high crime rate that is mitigated,
3 which is potentially what the report is talking about,
4 that there are mitigations for a higher crime rate.
5 And I would like to question some of the comparisons
6 that are put in the study. I do not believe them to be
7 representative. I do not believe that comparing the
8 impact or the crime rates in a casino located in
9 downtown Cincinnati, Ohio is equivalent to comparing
10 mitigated crime at Galt levels and the whole area
11 surrounding. So there is a social cost there.

12 Construction jobs are temporary. Let's not
13 forget about that. Yes, it will bring an infusion of
14 dollars into the economy -- likely to the local
15 economy, but there's only so much that someone is going
16 to pay for the job once it's approved. It doesn't
17 guarantee that we will get those contracts here. And
18 once that goes, we really have to look at what we have
19 left. These kind of opportunities are presented and
20 sometimes a casino can be a great place to go have spas
21 and what we're looking at, but really more than a
22 destination -- if you want to put it as a destination,
23 does it have to be at the proposed location? Why not
24 at a different location with tax-generated arrangements
25 as opposed to taking from the County or the City.

PH-26
(cont.)

1 There's also land that is covered here. In
2 fact, it specifically states in the report --

3 CHAD BROUSSARD: Ma'am, your time is up.
4 You'll have more time after everyone has had a chance
5 to speak.

6 KATHY DIAZ: May I submit in writing?

7 CHAD BROUSSARD: Yes, absolutely.

8 Next three speakers will be Carol Louis, Tonya
9 Caldwell, and George Leon.

10 CAROL LOUIS: I'm Carol Louis. I do not live
11 in Galt. I live in El Dorado County. We have a Red
12 Hawk Casino that is one mile from my residence. And
13 I'm here to tell you what happens when a casino's on
14 the ground. I've seen some of the signs that says
15 "We're voted number one." They are. In crime, gangs,
16 and guns. Since the institution of this Rancheria,
17 which is not setting on trust land -- and they have a
18 casino -- as the BIA, you mentioned it had to be trust
19 land; it's not. The land is held in fee, not trust.

20 We have drugs, drug manufacturing, gangs,
21 prostitution, theft, and murder. All of this is
22 documented by the Sheriff's Department in El Dorado
23 County. Property values have been destroyed. The
24 general plan has been blown apart. The BIA, the
25 Secretary of Interior in the State of California have

1 absolutely left the general community out of the
2 process for their altruistic effort to help Indian
3 tribes. The indigenous people of El Dorado County for
4 Miwok. The casino tribe is not that. They were
5 imported from Yolo, Sacramento, and Sutter counties to
6 put this -- to occupy this Rancheria.

7 The BIA rubber stamps 100 percent of all the
8 applications that come through their office, their
9 department. There are 52 applications for the year of
10 2015 that were put before you. And if that states
11 correct, there will be 11,600 acres taken out of tax
12 rolls. I've seen the Chamber of Commerce come before
13 you and say what a great boom it is to the economy; it
14 is not. If any of the trust land has a business on it,
15 there's no taxes. There's no withholding. There's no
16 Social Security. There's no business license. There's
17 sales tax. There's no property tax that goes to the
18 community. And it is in an unlevelled playing field
19 with the existing business community.

20 We live in what the State of California and
21 the BIA and the Secretary of Interior had thought was a
22 great idea for Native American tribes. I can tell you
23 it is not. I respect the Native American tribes. My
24 great grandmother was a full blood. So when the idea
25 of destroying the surrounding communities for a

PH-27
(cont.)

1 gambling entity, it just doesn't flow. And you need to
2 change it. Sovereignty is the worst thing that you can
3 have. Fee to Trust is the worst thing to have. If
4 you're going to have sovereignty, it should not be a
5 nation sovereignty, but it should be a state
6 sovereignty. There should be one land, one people, one
7 law.

8 TONYA CALDWELL: Hello. My name is Tonya
9 Caldwell. I am a member of the Wilton Rancheria. I am
10 the spokesperson for the tribal council, and I am also
11 one of five generations that have lived, worked here,
12 graduated from Galt High School, and raised a family
13 here in Galt.

14 I grew up in Galt when the east and west sides
15 were dairy and country living, and town was between 99
16 and the railroad tracks. There were no stoplights.
17 Our middle school was the Save Mart shopping center.
18 After school we still cruised down Lincoln Way. There
19 was Pizza Palace and Galt Frostie. And if you had a
20 special occasion to celebrate or you were going to the
21 prom, you wanted to go to the Golden Acorn at the golf
22 course for dinner. I am for the Wilton Rancheria
23 project being in my hometown because I believe it will
24 bring many positive changes to this community.

25 I will be honest and tell you that I was a

PH-27
(cont.)

PH-28

1 little apprehensive when I first learned about this
2 project possibly being in my hometown. But seven years
3 ago I started working in Sonora in an orthodontist
4 office. And there is a casino named Black Oak that is
5 owned and operated by the Tuolumne Band of Me-Wuk
6 Indians. In the seven years that I have worked up
7 there, I have not heard one negative comment about that
8 casino or what it has brought to that community. In
9 fact, I have heard all the positive things that they do
10 and provide for that community. The fact that they own
11 and operate a medical and dental facility in Sonora, a
12 health center for its members and community. It also
13 provides many jobs in the health field for the tribal
14 members and community.

15 They have helped schools up there with
16 different projects when needed such as score boards and
17 track fields and many other things. They have
18 school-aged children who receive help with their
19 different school projects because of them. Schools
20 reward their students for attendance and honor roll and
21 different things by taking them to the casino bowling
22 alley. When someone is celebrating a special birthday
23 or anniversary they go to Seven Sisters Restaurant at
24 the casino. On the weekends they have local bands that
25 perform. These are just a few of the positive things I

PH-28
(cont.)

1 have heard from people that I work with and that come
2 into our office.

3 Because of that positive influence and they
4 have pride in that community, I am now very excited to
5 think that Wilton Rancheria Project can possibly be in
6 my hometown. As a Wilton Rancheria member and a Galt
7 resident, I look forward to the exciting future that
8 will bring many wonderful opportunities to tribal
9 people and the community that I live in.

10 GEORGE LEON: Hello, my name is George Leon.
11 I didn't come prepared with everything written down.
12 So I'm just going to throw out what I got.

13 My wife and I, we lived in Elk Grove for 25
14 years. We awe it grow from nothing to what it is
15 today. And we see all the traffic, all the people, all
16 the crime that's come to that town. We moved five
17 years ago from Elk Grove to Galt. Formerly a general
18 contractor for over 30 years. Now a building
19 inspector. And you mentioned already -- they talk
20 about the construction it's going to bring. You know,
21 they talk about all of the workers that they're going
22 to bring to this facility. Yes, and it is -- and I'm
23 going to repeat a lot of what prior people have said.

24 Yes, there's going to be work here, but the
25 contracting that's going to build that is going to come

PH-28
(cont.)

PH-29

1 from outside of Galt. There isn't a contractor in this
2 town big enough to build that. They're going to come
3 from outside the area. They're going to bring their
4 subcontractors from outside the area. They're going to
5 bring traffic from outside the area. This area is
6 not -- Twin Cities, 99, the off-ramp, you're out there
7 at 4:00 or 5:00 o'clock. It backs up both ways. I
8 avoid 99 because traffic is just too bad. To get to
9 work I go out on 5. And even then, coming home it
10 backs up.

11 I live off of Twin Cities off of Pringle.
12 And, yes, like the lady said before, I've had to stop
13 because of the train and sit and wait. As one train
14 goes, the other stops, and finally it's going. Like I
15 said, you know, bringing the work here for the people
16 here is great. But there's not enough people here to
17 work there. So they're going to come from outside the
18 area, and they're going to bring traffic. The gamblers
19 are going to bring traffic. I mean, we have enough
20 gambling as it is. You have all these other casinos
21 around. Now you've got the lottery going on, and
22 you've got the Fantasy Football games. There's so much
23 gambling going out there. There's a lot of people with
24 problems with gambling, and all we're doing is adding
25 to that problem. That's all I got to say. Thank you.

PH-29
(cont.)

1 CHAD BROUSSARD: Okay. The next three
2 speakers will be Janene Lawrence, Lynn Wheat, and Jacob
3 Cullers.

4 JANENE LAWRENCE: First off, my name is Janene
5 Lawrence. And I want to say, I grew up with the Miwok
6 Indians. I was born and raised in Elk Grove. Moved to
7 Galt 14 years ago. So it's not against the Indian
8 casino or the Miwok tribe. This is my town.

9 I belong to several social media sites that
10 are against this casino, as some of you know, because
11 we have written to the City Counsel members, we've
12 written to the Bureau of Indian Affairs to make sure
13 you know of our opposition. I'm here to represent the
14 people that weren't here. I feel like you should have
15 had those cards shuffled around because everybody that
16 started out was all for it. And so a lot of people
17 that I saw left. So I wish you would have shuffled
18 those around.

19 Anyway, I'm not in favor of this. Why would
20 the Federal Government take land from a community for
21 this purpose? This area is known for its farmland, cow
22 pastures, vineyards, and wildlife refuge. Putting a
23 casino on land that could be used in other ways to
24 generate money for the city would just be stupid. This
25 land is still part of Galt's spirit influence and

PH-30

1 should be up to the City of Galt and its residents,
2 what is still theirs, if there is anything ever. This
3 site is not a good place to put a 12-story casino that
4 will forever destroy this peaceful open space.

5 How can you be okay with the horrible traffic
6 mess this will cause? Have any of you driven from Galt
7 to Elk Grove daily? Well, I do. And most of the time
8 I can only drive 45 miles an hour because there are so
9 many cars already commuting to either Sacramento,
10 Stockton, or the Bay Area. Will you widen Highway 99
11 to four lanes on each side putting a new overpass?
12 It's a huge expense that I'm sure could be spent
13 elsewhere repairing roads.

14 I've been selling homes in the Galt area for
15 the past 14 years. And the reason people are willing
16 to add more time and miles to their commute is to enjoy
17 the quiet country feeling of this small community.
18 They come here to raise their kids in small town and
19 sacrifice that we don't have all the shopping options
20 that Elk Grove or Lodi have, but that's a small
21 sacrifice to not have to spend 10 minutes trying to get
22 from one side of town to the other. Not to mention the
23 decrease in the value of property if this is allowed to
24 happen.

25 Several people have already contacted me to

PH-30
(cont.)

1 say if this is approved they will leave. Is this what
2 you want, to make our citizens feel they have to leave?
3 I am one of the citizens that will be gone, and this
4 makes me sad. Let's develop Galt in a smart way that's
5 economically sensible for the residents as well as the
6 city. You take our tax money, so why don't we have a
7 say on the community we put taxes in? Let's put this
8 to a vote. I bet that wouldn't happen. I was told by
9 a member of the Miwok that the reason they chose Galt
10 is because it's the area of least opposition. Why is
11 that? Who's making it easy? Surely not the residents
12 because we were never given an opportunity until now to
13 voice our opinions.

14 Please do more research on the effects of
15 using this beautiful land and what it will do to the
16 communities that surround it. And that's it.
17 Everything that I've heard so far, there's nothing that
18 actually benefits us. A few things, but most of it
19 involves to the benefit of the Miwok Indian tribe and
20 their children and their families. So that's it.

21 LYNN WHEAT: Thank you for this opportunity to
22 speak on this project. My name is Lynn Wheat, and I
23 live in Elk Grove and have worked in Galt. I want to
24 talk to you as a resident of the South county. We are
25 known for our farmland. And as we consider moving into

PH-30
(cont.)

PH-31

1 this farm-to-fork, if we continue to cover up our
2 farmland as Elk Grove has done, then we really won't be
3 farm-to-fork, and I wonder where our food will come
4 from.

5 I'd like you to consider carefully the last
6 Alternative F. I believe the Mall site in Elk Grove
7 will still provide residents of Galt the jobs that they
8 need. The residents will be employed. They'd come
9 back home. They would spend their money in their
10 hometown of Galt, and that would produce the sales tax
11 revenue. I recognize cities need sales tax revenue.
12 I've heard that over and over again from Elk Grove in
13 some of their poor planning and projects. So I would
14 suggest that in Elk Grove, there's already the
15 overpass. There's already an infrastructure. They've
16 done quite a bit of environmental work on that. And I
17 think that Galt and Elk Grove and the South county can
18 work together, preserve our farmland, and keep the
19 economy going, protect our environment, reduce the
20 traffic.

21 We cannot dismiss the traffic impacts and the
22 growth-producing results that a project of this size
23 would have. So the benefit for our Miwok tribe would
24 be that they would already have the infrastructure
25 available, and they would be able to get this project

PH-31
(cont.)

1 off the ground sooner than later. Please look at the
2 traffic impacts. I would plead with the people of Galt
3 to seriously consider -- business owners too -- will it
4 produce what they think it's going to produce?

5 Elk Grove moved forward with the Mall project
6 thinking it was going to be built. It's eight years
7 later. We really need to look at this expense that
8 Galt could benefit Elk Grove. I do not want to see Elk
9 Grove and Galt blended together and the loss of the
10 rest of our resources here. Thank you.

11 JACOB CULLERS: Good evening. My name is
12 Jacob Cullers. I'm a citizen here in Galt. And I'm
13 also a probation officer for the County of Sacramento.
14 I think one of the main things that I haven't heard
15 brought up yet -- and I acknowledge there's a lot of
16 good that can come from this. But I also know there's
17 also unintended consequences that can come from putting
18 something like this in any area. I think the
19 uniqueness of Galt's problem is, we kind of sit in the
20 middle of two high crime and high gang areas of
21 Stockton and Sacramento.

22 And I think we talked about lack of
23 infrastructure and lack of resources and dealing with
24 people coming in in general. Do we have the resources
25 to deal with two areas that have that kind of crime

PH-31
(cont.)

PH-32

1 involvement coming into this town to protect the
2 community, to protect our children? Not only our kids
3 but the Miwok. We're all going to be in this together.
4 It's also protecting their interest in running a
5 business.

6 Do we have things in place to protect the
7 people and the interest of this town where two areas
8 like that will be converting a small farm town like
9 Galt? Do we have that ability? And that's my concern
10 as a citizen, seeing this firsthand day to day and what
11 goes on in the communities of both South Sacramento and
12 Stockton. Thank you for your time.

13 CHAD BROUSSARD: Okay. The next three
14 speakers will be Steve Holman, Linda Barz, and Matthew
15 Pratton.

16 STEVE HOLMAN: My name is Steve Holman. I've
17 been in the Galt area for about 27 years. I'm here
18 representing myself and also a business networking
19 group in the community.

20 The last couple of weeks we discussed the
21 project, and the question that was asked was very
22 simple: Do you see any negative about the project?
23 And I got to tell you, about 20-something people -- no,
24 they didn't see anything negative about the project.
25 And from a personal perspective, I probably visited

PH-32
(cont.)

PH-33

1 both -- because of the business I am and personal
2 because I do enjoy going to fun resorts and casino
3 resorts -- I haven't seen any problems. I've talked to
4 the locals that are gambling, eating in their
5 community, they go shopping, walking the streets.
6 Honest to goodness, they praise the casinos.

7 Now, there's a lot of discussion, and I'm not
8 going to pick on anybody. But roads? Has anyone been
9 to Jackson Rancheria? Has anyone been to Cache Creek?
10 You talk about roads, we're talking about two-lane
11 roads through the country, and they don't have
12 problems. They don't. They don't have any problems.

13 The jobs, I can go to any city up and down the
14 valley, and if I went in and I just suggested that
15 there's a potential for 2000 jobs, I don't think they
16 would care what it was. We need jobs. If you have
17 2000 jobs in Galt, you have how many people at a
18 time -- let's just say 500 cars -- that are not getting
19 on the road and traveling somewhere else, which takes
20 people off the road; not on the road. Personally, I
21 really -- like I said, I really enjoy -- I probably
22 paid for some of the machines in the casinos, but I
23 really enjoy it. There's a request my significant
24 other asked me, that once the tribe gets settled if we
25 can have a couple of banks for Flaming 7's and a couple

PH-33
(cont.)

1 of 10's, and we like the 5 machines. But the old
2 fashioned, not the new electronic ones.

3 I'm looking forward to the project wherever it
4 may end up for the City of Galt, the businesses of
5 Galt. It's what is needed. As to the use of the land,
6 my goodness. The only thing that's been on that land
7 for 27 years that I've been here are cows. There's a
8 lot of land for the cows. I think it's a perfect
9 destination. It's a resort. I want people to realize
10 it's not a casino; it is a resort. It brings families.
11 They stay for one to three days. It brings
12 conventions. They stay one to three days. They shop.
13 They spend money. They buy gas.

14 I just don't see where there's any downside.
15 And I really appreciate the tribe moving forward with
16 it. It's a tough thing for a tribe to do. A lot of
17 time, money, and expense. So thank you very much for
18 doing that.

19 LINDA BARZ: My name is Linda Barz, and I've
20 lived in Wilton since 1979. So I've seen all kinds of
21 growth in the year.

22 Now, Wilton and Galt and Herold, as everybody
23 knows, is a rural community. Most of us that live here
24 have invested our lives in keeping it rural and helping
25 the community stay rural. Now, this Miwok tribe -- and

PH-33
(cont.)

PH-34

1 I'm not saying anything against the Miwok tribe. I
2 respect them and want the best for them because they
3 live in Wilton. But they want 703 people, 12 families
4 who live on 39 acres wants to come in and totally
5 change our lifestyle. They want to put a casino in
6 Galt, and I'm wondering how this would benefit the
7 rural community.

8 What I see is there would be more traffic.
9 There'd be more crime. There'd be more gambling
10 problems. There'd be more pollution. There'd be less
11 water, less farmland. Nothing good can benefit the
12 rural community. It's all about people who are making
13 money on this project. That's all it's about.

14 If Galt is so concerned -- and I want all of
15 the people who are in Galt, the council and stuff who
16 probably left by now. If they are so concerned about
17 jobs in Galt, they should be promoting jobs. Let Home
18 Depot come in. Let Costco come in. Let some
19 businesses that will benefit all of us. Not just
20 people that want to gamble. And they would also
21 provide decent jobs. That's all I have to say. And I
22 thank you for your time.

23 MATTHEW PRATTON: Hello, my name is Matt
24 Pratton. I'm a lifelong citizen of Galt. I have owned
25 a number of businesses in Galt, Lodi, and Stockton. My

PH-34
(cont.)

PH-35

1 involvement in Galt's business and community started in
2 1974. Over the years I've had the pleasure of helping
3 with youth sports, fundraising, and business groups.
4 Currently I chair the Galt Chamber slash City of Galt
5 Economic Business Development Community. These
6 experiences give me a very unique perspective on this
7 community. Of course I can't speak for the whole City
8 of Galt, but I have personally talked with over 100
9 local city business owners and community leaders.

10 A few have told me that they will not make a
11 public statement because it could be too political for
12 them. A few others have voiced the usual, cautious
13 concerns. And I respect that. I have not had a lot of
14 them tell me it's a bad idea. And none of them have
15 told me they want to see it go to a different town. In
16 fact, it's been overwhelmingly positive. I have
17 watched the tribe rebuild their nation after they were
18 federally recognized in June 8th, 2009. What I have
19 seen is a group of very dedicated people. These are
20 not people from Yolo. These are not people from south
21 California. These are people that live here in the
22 community that are focused on taking the opportunity to
23 improve the life of every member in their tribe and the
24 community around.

25 They are family, community, and long-term

PH-35
(cont.)

1 minded. I am confident this attitude will passed not
2 only onto their tribal members but also the community
3 that they reside in. They have proven they can make
4 good business decisions based on their choice of the
5 use of Boyd Gaming as their management partner. The
6 benefits are magnificent, and the negatives are
7 manageable. I believe a good business relationship
8 between the Wilton Miwok tribe and the community of
9 Galt is the best opportunity our city has seen. And I
10 hope the BIA and the City of Galt will work quickly to
11 make it happen for us.

12 I do want to address the greed aspect of this
13 thing. As a business person, I would like to point
14 out, yes, bringing Home Depot to Galt would be awesome.
15 We'd like that. But keep in mind, Home Depot will come
16 to town -- first off, they won't come to town until the
17 town's big enough. That's a given. If we had a
18 casino, they'd come to town. Second off, Home Depot
19 will take the money and send it right on off to their
20 corporation. I work for a corporation. I know how it
21 works. The tribe will take the money, and they will
22 use it in the city that they're in. So I think there
23 can be nothing more positive in a business than this
24 project.

25 CHAD BROUSSARD: Okay. The next three. First

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(cont.)

1 one is Bob Terry with the Wilton Rancheria. Next is
2 Darrell Doan, and Mary Tarango.

3 MARY TARANGO: I'm a tribal elder of the
4 Wilton Rancheria. I'm a mother, grandmother, sister,
5 auntie, and cousin to many in the tribal community. I
6 better mention that I'm the wife of close to 45 years
7 to the same man, as he's in the room right now. I want
8 to thank you for your time and consideration to this
9 opportunity to speak in support of the Wilton Rancheria
10 Gaming Project. And I must say that I am one of the
11 reasons why we are here tonight.

12 I'm one of the main persons responsible for
13 restoration and federal recognition of the Indian
14 people of the Wilton tribal community. It was through
15 my efforts of over 22 years of organizing, meeting, and
16 struggling to get our voices heard, that finally in
17 June 2009, with the commitment and legal
18 representation, that were successful in bringing back
19 sovereignty. It was a bittersweet victory. I was
20 original spokesperson for the tribe, co-tribal
21 chairman, and upon restoration, the first-elected
22 tribal chairman of the recognized tribe. And I'm proud
23 of that.

24 I'm not here to provide an education of the
25 historical trauma and force the simulation that many

PH-36

1 people have been subjected to in California, which
2 includes Indian appropriation, Indian re-organization,
3 boarding schools, and ultimately termination, just to
4 name a few. What I'm here to address is the strength
5 and perseverance of the people and their dreams of
6 making life better for themselves, their children, and
7 grandchildren. When I took up the fight of restoration
8 of federal recognition for my tribal community, I was
9 told by my elders who are no long here, my father Alvin
10 Daniels, my grandmother Arlene McKean, not to forget
11 who you are, and to not let anyone to tell you that you
12 are not Indian.

13 That coupled with the many voices of elders in
14 the early days of struggle who wanted nothing more but
15 to have what was promised and committed by the Federal
16 Government, that is, medical benefits and educational
17 opportunities for our children. We are a unique and
18 indigenous people of this land. We all know that the
19 federal monies that are dispersed to tribal governments
20 are dwindling and are becoming hard to obtain through
21 and infinite process with every tribal government.

22 So it's become time for our other enterprises,
23 other opportunities to self-sufficiency. This project
24 would bring many opportunities not only to the Wilton
25 tribal community, but to our neighbors and surrounding

PH-36
(cont.)

1 communities. The collaboration of stakeholders, Indian
2 and non Indian alike, will benefit from employment
3 opportunities generated by the building and maintenance
4 of academic institutions, hospitals, clinics,
5 expansion, road improvement, law enforcement, and
6 emergency agencies to serve our community. All
7 communities. The list is endless, and the future is
8 bright. If we can come together and see this endeavor
9 through, it's a win-win situation for all.

10 In closing, I ask you to consider all of this
11 and help to move this project forward. Again, thank
12 you for your time, respectfully and in peace.

13 BOB TERRY: My name is Bob Terry. I am the
14 Housing Director for Wilton Rancheria. I have worked
15 in this field since 2004. And like Ms. Tarango, I've
16 been married for 45 years to the same woman who's not
17 here but, anyway, supports me.

18 I strongly support this project for several
19 reasons. And one of these are, ownership of homes can
20 be increased. We have a quality of life issue that we
21 need to address. And 72 percent of the people live
22 within a 30-mile area of this project. Currently,
23 Wilton Rancheria has a number of unmet needs, and one
24 of them is homeownership. Homeownership within our
25 tribe is 16 percent. The national average is 64 to 69.

PH-36
(cont.)

PH-37

1 Most people are living -- 74 percent of them are living
2 with extended families and/or renting instead of owning
3 their own home and property. Five percent are homeless
4 or in prison. One-third of them live on social
5 services to help keep them afloat. We rely on grant
6 money which goes up and down, and we have no control
7 over that.

8 Long-term results of this project will address
9 many of these challenges. We would be able to buy
10 land, develop that land. We would be able to increase
11 homeownership. Funding would be more consistent and
12 reliable. And we would be able to work within our
13 community and serve other organizations as well as our
14 tribe.

15 In summary, the resort project will not just
16 add another casino. It will help improve our
17 lifestyle, our quality of life, ownership of homes,
18 ownership of property. We will be better able to
19 support schools, parks, and other public programs. We
20 would boost the economy and overall standards of
21 living, not just within our tribe, but within the
22 community itself. I want to thank you for this
23 opportunity to be here and make this presentation.

24 DARRELL DOAN: Good evening. I'm Darrell
25 Doan. I'm the City of Elk Grove's Economic Development

PH-37
(cont.)

PH-38

1 Director. My comments will be very brief. But first I
2 wanted to commend all of you. The level of discourse
3 this evening has been incredibly civil, and these are
4 difficult issues. I think you all represent the
5 community of Galt quite well. I've been in a lot of
6 nasty meetings over more simple issues in my career.

7 I'm here tonight for just a couple of reasons.
8 One is to just be on record that the City of Elk Grove
9 is here and in presence this evening. We want to
10 advise the BIA and the tribe that we are carefully
11 evaluating the Environmental Impact Statement, and we
12 plan to make formal comments to you prior to the
13 deadline. We also want to go on record that we have
14 had and will continue to have discussions with the
15 tribe as we evaluate the impacts and effects of these
16 projects on the City of Elk Grove, and we have not
17 taken any formal position at this time. But with all
18 that being said, again, thank you for the opportunity
19 to be here this evening. We look forward to continuing
20 to evaluate this project. Thank you.

21 CHAD BROUSSARD: Next three speakers will be
22 Stan Kimbrough, George Rocha, and Johnny Gayton.

23 STAN KIMBROUGH: Stan Kimbrough. I'm a local
24 business owner. Just a couple concerns that I have.
25 I'm not necessarily against it. So I'm for it on one

PH-38
(cont.)

PH-39

1 hand, but I do have a lot of questions, which I'm sure
2 everybody else or so many others do. I do know that
3 construction jobs, employment, I've heard all of that.
4 I do know that we will gain some jobs through that. A
5 lot of my concern is through the agreements. I don't
6 know how, as far as the local government. But I would
7 hope that -- even with the agreements made, that our
8 law enforcement and our education programs are stepped
9 up here. Because we would need that, as far as those
10 programs, to be stepped up to handle what's going to
11 come.

12 So these are just what I want to say. But my
13 concern also -- my biggest concern is that with the
14 growth, with the traffic, roads, I am in agreement
15 there. Something would have to be done. Thank you for
16 your time.

17 GEORGE ROCHA: My name is George Rocha. I've
18 been in Galt since 1961. I came to Galt in June of
19 1961. So those of you who say, "I've been here. I
20 moved to Galt 5 years ago, 10 or even 30 years ago,"
21 you're all part of the growth, of the boom that
22 happened in Galt already. When I moved to Galt there
23 was only 1,200 people. Now there's about 25,000.

24 We started our dairy in 1961 in November on
25 Pringle Avenue. A family farm. When I came to Galt,

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(cont.)

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1 it was considered a farming community. It was known as
2 the Latino clover capital of the world. Where at one
3 time there were rice fields and irrigated pastures, now
4 exists shopping centers and subdivisions. That's all
5 considered progress, and I'm a farmer. And I agree
6 with all that. That's part of growth, and you can't
7 stop it. So Galt is no longer a farming community.
8 It's now a bedroom community. People travel, I've
9 heard, sometimes up to six hours total commuting just
10 so they can live in Galt. They'll work in the Bay Area
11 and come back to Galt. Three hours' commute in the
12 morning, three hours at night. So Galt is a special
13 town.

14 I graduated from Galt High. I have three sons
15 who both graduated from Galt High. And I have a
16 grandson that's graduating this year from Galt. So
17 just to let you know, I approve of this project with
18 the Wilton Rancheria because I know it's going to be
19 for Galt. It's going to give jobs and growth. You
20 can't stop growth. And I'm proud of what Galt did with
21 the industrial park bringing new businesses in. It's
22 really making Galt -- putting Galt on the map besides
23 just the flea market. And I think the Rancheria will
24 enhance what Galt has to offer. And don't forget, the
25 Rancheria will build an overpass at the Mingo Road

PH-40
(cont.)

1 exit.

2 So a lot of the traffic -- I guarantee a lot
3 of commuters coming from Sacramento, they're going to
4 use that Mingo Road overpass and head east through the
5 subdivisions instead of taking Twin Cities Road. It
6 will relieve a lot of the traffic. I believe it will.
7 And also, there will be an overpass over the Twin
8 Cities railroad crossing. Just to let you know some
9 inside information. That's going to help with the
10 trains stopping and changing tracks there holding up
11 traffic. They will build an overpass like they did
12 over there at the Grant Line railroad tracks by
13 Waterman. Thank you.

14 JOHNNY GAYTON: Good evening. My name is
15 Johnny Gayton. I'm a resident here in Galt. I moved
16 here 26 years ago. I raised my kids here, and they're
17 grown now. And what I'd like to say about this casino
18 is that, yes, it's going to bring a lot of jobs. It's
19 going to bring a lot of contractors from outside our
20 area. And it's only going to be just for a season.
21 They're going to come in. They're going to bid on this
22 work. They'll get it. But they're also going to come
23 from other areas.

24 I'm a construction worker. I've been a
25 construction worker for over 30 years. And I've dealt

PH-40
(cont.)

PH-41

1 with numerous contractors over the years, and they come
2 from all over our roads. They get resurfaced year and
3 year after. I go to these bid openings, and there's a
4 lot of contractors out there that can continue to
5 rework our roads. So it's impacting our Galt area. I
6 feel for the farmers. Those residents that are here
7 that have farmlands and want to continue to farm, you
8 know, I'm with you.

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(cont.)

9 And I love Galt. And that's why I moved here.
10 It's a quiet town. And I think we should go to Elk
11 Grove. I think it would be a better spot for the
12 casino. Let's get it close to the highway. It's right
13 there. Let's get it off towards the highway somewhere
14 else, but not here in Galt. And that's where I stand
15 on the casino. I respect the Miwok tribes for what
16 you're trying to do. But not here in Galt.

17 CHAD BROUSSARD: Next two speakers will be
18 Charles Altekruise and Gary Yuke.

19 CHARLES ALTEKRUSE: Good evening. My name is
20 Charles Altekruise. And by way of disclosure, I'm a
21 Public Affairs consultant working with Wilton. I've
22 spent ten years facilitating discussions, negotiations,
23 and partnerships between these tribes and the
24 communities. And I've really enjoyed the time I've
25 spent in Galt. I love this community. I love this

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1 area. The people are amazing. It's been a real treat
2 for me and treasure.

3 I'm not a gambler, but I've seen dozens or
4 scores of projects across the state. I've seen them in
5 the middle of cities. I've seen them on two-lane
6 roads. I've seen them on highways. I've seen them in
7 suburbs. And I really respect that people have
8 concerns about traffic, crime, property values, and so
9 forth. But I'm here to say, "Relax." Really, relax.
10 It's going to be okay. There are 60 projects in the
11 State of California right now of tribal gaming. There
12 is not one local jurisdiction that formally opposes or
13 wants to get rid of that project. And the DEIS really
14 takes painstaking time to identify and mitigate the
15 areas.

16 Let's talk about traffic. They talk about 8
17 to 10 thousand cars a day possibly. Well, you spread
18 that out because these are jobs, people, people going
19 to -- it translates into about one car every six to
20 eight seconds. Well, let's time that. You're standing
21 by 99. There goes a car. One, two, three, four, five,
22 six, seven, eight. There goes another car. But those
23 are the numbers. I was sent a letter from a chamber in
24 Yuba Sutter. It's a very rural area. And the chamber
25 there supports their projects. They have five casino

PH-42
(cont.)

1 projects within 25 miles. And this is the letter I'd
2 like to submit that they said:

3 "The Yuba Sutter Chamber of Commerce stands in
4 support of projects such as the Wilton Rancheria
5 Proposal for it's potential to become a significant
6 economic driver for its region. Anticipated benefits
7 include job creation, social responsibility programs
8 that benefit community nonprofit education
9 organization, improved access to top quality facility
10 spaces as appropriate for community connections and
11 business workplaces, meeting rooms, and more.

12 In addition, we have found tribal host
13 organizations to be extremely engaged, supportive, and
14 consistent contributors to community involvement and
15 development. Our region has benefited significantly
16 from the inclusion and support of our tribal host and
17 partners. We strongly recommend moving forward with a
18 project that can become a great asset to your
19 community."

20 I'd like to submit that from Rikki Shaffer,
21 CEO of the Yuba Sutter Chamber of Commerce. Thank you.

22 CHAD BROUSSARD: The next two speakers
23 Veronica Kaufman and Gary Yuke.

24 VERONICA KAUFMAN: I didn't intend to speak
25 today, however, I do feel compelled to. So I apologize

PH-42
(cont.)

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1 for not being as articulate as I'd like to be.

2 This impact report does not accurately reflect
3 what the impact is going to be to our community. It
4 does not discuss the groundwater contamination
5 possibilities. It does not say where this water is
6 going to come from. It does not talk about impact to
7 our home prices. It does not talk about impact to our
8 wildlife. We have a preserve a couple miles from where
9 this is supposed to be built. What's going to happen
10 to that preserve? What's going to happen to those
11 animals? And we also do not know how the additional
12 200 acres is going to be used. This report doesn't
13 reflect that. Once this goes through, we have to say
14 as to what's going to happen to that.

15 Furthermore, taking that land is going to take
16 revenue from Galt. Galt has a slow-growth program up
17 to 2030. Galt intends to annex that land. So you are
18 taking land essentially from Galt. It is going to
19 change the way of life for Galt as well. In addition,
20 all the research I have done, crime has gone up by up
21 to four times. We are a bedroom community. There is
22 no reason to put this casino a mile and a half from my
23 community. Thank you.

24 CHAD BROUSSARD: Okay. That's all the
25 speakers that we have signed up. We're going to take a

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(cont.)

1 four- or five-minute break. If you'd like to speak or
2 if you've already spoken and you'd like to continue
3 your thoughts, please fill out a speaker card. We'll
4 reconvene at 8:30 sharp. Thank you.

5 (Whereupon a recess was taken.)

6 CHAD BROUSSARD: We're going to call the next
7 two speakers. Barbara Woods and Lisa Jimenez, please
8 come to the front.

9 BARBARA WOODS: My name is Barbara Woods, and
10 I'm a member of this community. And I would like to
11 speak on behalf of the wildlife that's in this open
12 area that discussing today.

13 So first of all, I would like to have us
14 always to remember to consider beyond the people,
15 although the people are impacted. So I'd like to
16 reflect some considerations for any construction that
17 occurs in this area, whether it be the casino or
18 something else. This area is in proximity of the
19 Cosumnes River Preserve. It's a drainage mason that's
20 one of the last places that has not been dammed all
21 along this route. This makes it a treasure for our
22 community and for our larger community in this whole
23 entire area.

24 Efforts were made for the nature conservancy
25 to purchase land all along the core of the Cosumnes

PH-44

1 River. Although that has not been able to occur on a
2 continuous basis, it takes beyond the protected land --
3 it takes the land that's near it such as the farmland
4 and the agreements that are made in order to preserve
5 the wildlife that was there. Just today, cranes and
6 other birds were feeding in this area that is being
7 considered for a 12-story hotel. Those will be
8 impacted greatly. It used to be that we had all sorts
9 of hots along the freeway there. Now we have fewer.
10 With this development, there will be many fewer.

11 It would be ironic as we have a roundabout
12 that's on Twin Cities Road to have those sculptures of
13 children with their binoculars peering out to land that
14 at one time could sustain the nature in the area and
15 the wildlife and now is no longer able to because of
16 developments that are there. So please consider if
17 there is developments to do things to mitigate the
18 impact by preserving areas around the river and its
19 drainage mason for generations to come so that we can
20 have nature run its course as well as us as people.
21 Thank you.

22 LISA JIMENEZ: We also request with the Wilton
23 Rancheria a consultation with the Historical River
24 Valley Miwok Indians for a monitoring and treatment
25 plan. The DEIS has no provisions for the damages or

PH-44
(cont.)

PH-45

1 destruction that will occur during the
2 ground-disturbing activities. The DEIS uses language
3 throughout their -- throughout -- that is their
4 uncertainty and of impact. NEPA requires an actual
5 analysis of project impacts. The EIS may not simply
6 defer the NEPA analysis to some future date.

7 The DEIS states that the Alternate D consists
8 of developing also the Historical Wilton Rancheria on
9 the site of 75 acres. However, the DEIS errs in
10 calling it Historical Rancheria. In fact, this is land
11 that is not formal Rancheria and is not even owned by a
12 tribe. The DEIS makes no reference to the
13 identification of historical sites and artifacts that
14 may be on the proposed site or their connections to the
15 modern day Wilton Rancheria. The DEIS to stop claiming
16 the relationship between the Historical Wilton
17 Rancheria and the tribe that it is today. Instead, the
18 DEIS should provide a detailed analysis of the impacts
19 the Historical project families to reduce the potential
20 impact to less than significant.

21 We request that the BIA and tribe reconsider
22 the Draft EIS and request additional historical and
23 cultural information. We will also provide the
24 detailed comments in writing. And thank you for your
25 time.

PH-45
(cont.)